

3-18-32. Limitation of county and municipal restrictions on solar collectors.

A. A county or municipality shall not restrict the installation of a solar collector as defined pursuant to the Solar Rights Act [47-3-1 through 47-3-5 NMSA 1978], except that placement of solar collectors in historic districts may be regulated or restricted by a county or municipality.

B. A covenant, restriction or condition contained in a deed, contract, security agreement or other instrument, effective after July 1, 1978, affecting the transfer, sale or use of, or an interest in, real property that effectively prohibits the installation or use of a solar collector is void and unenforceable.

History: Laws 2007, ch. 232, § 1.

Effective dates. — Laws 2007, ch. 232 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 15, 2007, 90 days after the adjournment of the legislature.

ANNOTATIONS

Regulation by homeowners' association. — Subsection B of Section 3-18-32 NMSA 1978 allows a homeowners' association to regulate the installation or use of solar panels so long as the regulations do not "effectively prohibit" their installation or use. The phrase "effectively prohibit" includes restrictions on the installation or use of solar panels that make such installation or use unreasonably difficult or costly. 2011 Op. Att'y Gen. No. 11-02.

Chapter 3 Municipalities
Article 18 Power of Municipalities