

1 SENATE BILL 98

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Elizabeth "Liz" Stefanics and Joy Garratt

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10 AN ACT

11 RELATING TO SOLAR ENERGY; PROHIBITING COVENANTS, CONDITIONS AND
12 RESTRICTIONS THAT INCREASE THE COST OF PURCHASING AND
13 INSTALLING A SOLAR COLLECTOR BY MORE THAN TEN PERCENT OR A
14 TOTAL OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) OR REDUCE
15 THE EFFICIENCY OF OPERATING A SOLAR COLLECTOR BY MORE THAN TEN
16 PERCENT.

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 3-18-32 NMSA 1978 (being Laws 2007,
20 Chapter 232, Section 1) is amended to read:

21 "3-18-32. LIMITATION OF COUNTY AND MUNICIPAL RESTRICTIONS
22 ON SOLAR COLLECTORS.--

23 A. A county or municipality shall not restrict the
24 installation of a solar collector as defined pursuant to the
25 Solar Rights Act, except that placement of solar collectors in

.228675.2

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 historic districts may be regulated or restricted by a county
2 or municipality.

3 B. A covenant, [~~restriction or~~] condition or
4 restriction contained in a deed, contract, security agreement
5 or other instrument, effective after July 1, 1978, affecting
6 the transfer, sale or use of, or an interest in, real property
7 that effectively prohibits the installation or use of a solar
8 collector is void and unenforceable, including a covenant,
9 condition or restriction that increases the cost to the
10 consumer, after the application of any credits and incentives,
11 of purchasing and installing a solar collector by more than ten
12 percent or a total of one thousand five hundred dollars
13 (\$1,500) or reduces the efficiency of the operation of a solar
14 collector by more than ten percent.

15 C. The prevailing party shall be awarded reasonable
16 attorney fees in any action to enforce compliance with this
17 section."