



April 9, 2025

SB 440

Submitted by Edith Duarte on behalf of the Nevada Solar Association

EXPLANATION: Matters in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold italics* is language proposed to be added in this amendment; (3) ~~[red strikethrough]~~ is deleted language in the original bill; (4) ~~[purple bold italics strikethrough]~~ is language proposed to be deleted in this amendment; and (5) *orange bold italics* is deleted language in the original bill proposed to be retained in this amendment.

Sections 1-12. Delete Sections 1 through 12 in their entirety.

Sec. 13. Amend Section 13 to read as follows:

~~[1. If a unit's owner wishes to install a distributed generation system within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively, the association may not require the distributed generation system to be installed at a particular location within that physical portion so long as the unit's owner has obtained any permits and approvals from any governmental entity required for the installation and the distributed generation system is installed in compliance with those permits and approvals.~~

~~2. An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to install a distributed generation system on a roof that covers only the unit of the unit's owner, regardless of whether the roof is a common element. An association may require such a unit's owner to:~~

~~(a) Be responsible for the removal and reinstallation of the distributed generation system whenever the association determines such action is necessary for the maintenance, repair or replacement of the roof.~~

~~(b) If the roof is a common element, maintain a policy of insurance that names the association as an additional insured and provides coverage for any losses or damages caused by the installation of the distributed generation system.~~

~~3. An association may not:~~

~~(a) Unreasonably restrict, prohibit or withhold approval for a unit's owner to install any type of physical barrier around the distributed generation system to deter the intrusion of animals or to hide components of the system for aesthetic purposes; or~~

~~(b) Require the installation of a particular type of the physical barrier described in paragraph (a).~~

~~4. As used in this section, “distributed generation system” has the meaning ascribed to it in NRS 598.9804.]~~

1. Except as otherwise provided herein, no unit owner may install or have installed a distributed generation system in a common interest community that has the right to restrict architectural improvements without the prior written consent of the association, unless the association fails to approve or deny an application properly submitted in accordance with the applicable governing documents of the association within 35 days of submission.

(a) An association shall respond to a distributed generation system installation request within 35 days of receipt of the application with an approval or denial. A denial must provide sufficient details as to the basis for the denial that must be based upon the distributed generation system guidelines of the association. Should the unit owner resubmit the application after addressing the reasons for the denial, the association must respond within 15 days of the resubmittal with either an approval or a denial. If denied, the association must provide specific details as to the basis for the denial that must be based upon the distributed generation system guidelines of the association.

(b) The association may not require any other unit owner’s consent, including the consent of adjacent units, for the installation of a distributed generation system.

2. Unless an association has duly adopted distributed generation system guidelines which set forth the requirements for a distributed generation system installations, an association may not deny a distributed generation system installation, may not impose conditions upon the installation of a distributed generation system, and must approve the unit owner’s application for a distributed generation system within 15 days of receipt of the application. Failure of the association to provide an approval as required in this subsection 2 within 15 days of receipt of the application shall be deemed an approval of the application.

If an association adopts distributed generation system guidelines, any conditions set forth in the guidelines must not conflict with NRS278, current National Electric Code, or other applicable state and local ordinances and codes. Should any provision of the guidelines conflict with the above, the relevant provisions of NRS278, the current National Electric Code, or other applicable state and local ordinances and codes shall control. Further, the guidelines must address the following provisions or the association may not enforce restrictions related to such provisions where the guidelines are not duly adopted:

(a) The distributed generation system guidelines must include the following requirements:

(1) Submission of distributed generation system plans for review;

(2) Structural analysis for snow load and wind resistance where applicable;



(3) Proof of the installer's C-2 license, insurance, bonding, and safety plan;

(b) Unless prohibited by government or manufacturers restrictions, current National Electric Code, or other applicable state and local ordinances and codes, or would not be practicable to comply with, the distributed generation system installation guidelines may also include the following requirements:

(1) Preference for no street-facing solar panels, subject to NRS 278.0208 to the extent that compliance with this Preference does not result in more than a 10% decrease in production as calculated using PV Watts software ;

(2) All conduits painted to match the exterior of the residence to which it is attached or

(3) All conduits be concealed unless impractical or increases system cost in excess of \$250.00;

(4) Batteries to be installed in the garage;

(5) Preference for Inverters placed out of street and reasonably out of view of other unit owners.

(6) For the purposes of paragraph (b) of subsection 2, "not be practicable to comply with" shall mean the cost to the unit owner of compliance with the guideline exceeds 3 % of the cash cost of the distributed generation system installation.

3. If a unit's owner wishes to install a distributed generation system within such physical portion of the common-interest community as that owner owns and has the sole responsibility to maintain, repair and replace, the association and the owner must follow the guidelines set forth in Section (1) above.

4. If a unit's owner wishes to install a distributed generation system within such physical portion of the common-interest community, which the owner owns but the association has the responsibility to maintain, repair and replace, the association may condition its approval upon the following additional requirements to its distributed generation system installation guidelines:

(a) Owner must enter into an agreement with the association at owner's expense, which is to be recorded against the unit, setting forth the respective rights and obligations of the association and the owner as to the distributed generation system. The association may require that the agreement be recorded against the unit and include the following:

(1) Owner is solely responsible for any damage caused to the roof or the exterior of the building caused by the installation, maintenance and repairs of the distributed generation system;

(2) Should the association need to make repairs to the roof or building exterior, or otherwise replace the roof or building exterior, or any portion thereof, the owner is solely responsible for removing the distributed generation system from the roof or building exterior at the owner's expense. Should owner not remove the distributed generation system after being given reasonable notice, the association or its contractor may remove the distributed generation system and assess the cost of removal, relocation, storage, and replacement against the unit;

(3) Owner agrees to install the required distributed generation system in accordance with an application submitted to and approved by the association;

(4) Owner agrees to maintain a supplemental policy of insurance that names the association as an additional insured and provides coverage for any losses or damages caused by the installation, maintenance, repair or replacement of the distributed generation system;

(5) Owner agrees to indemnify the association and its agents from and against any and all liability claims, damages, costs, including attorney fees, resulting from owner's installation, maintenance, or repair work on the roof related to the distributed generation system;

(6) The association has the right to inspect the condition of the distributed generation system;

(7) Owner is required to disclose to potential purchasers the rights and responsibilities for the distributed generation system.

8. An association may not:

(a) Prohibit or withhold approval for a unit's owner to install a physical barrier around the distributed generation system to deter the intrusion of animals or to hide components of the system for aesthetic purposes; or

(b) Require the installation of a particular type of physical barrier described in paragraph (a) of this subsection other than a barrier that is colored consistent with the community aesthetic, if the "color" is commercially available as a stock item. If not commercially available as a stocked item, then, black, or a color complimentary to the solar panel and racking shall be deemed acceptable

9. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 598.9804.

Sec. 15. Amend to delete the proposed changes in paragraph 1 and paragraph 2(a) through 2(n).

Sec. 16. Amend to delete the proposed changes in paragraphs 1 through 22 and 24.

Sec. 17. Amend to delete the proposed changes in paragraph 1 and paragraph 2(a) through 2(m).

Sec. 18. Amend to delete the proposed changes in paragraphs 1 through 11 and 13.

Sec. 19. Amend to delete the proposed changes in paragraph 1

Sec. 20. Amend to delete the proposed changes in paragraph 15, delete the proposed changes in paragraph 16.

Sec. 22. Delete Section 22 in its entirety.

Sec. 24. Delete Section 24 in its entirety.

Sec. 25. Amend Section 25 to read as follows:

1. If a customer-generator has received all the necessary inspections from any governmental entity required for the installation of a net metering system and submits to a utility a request for the completion of a final inspection by the utility, the utility shall complete the final inspection within a reasonable time after receipt of the request.

2. If a customer-generator submits to a utility a request to temporarily disconnect and subsequently reconnect electric service in relation to the installation of a net metering system, the utility shall schedule the temporary disconnection and subsequent reconnection within a reasonable time after receiving the request.

Sec. 28. Amend subsection 9(c) to read as follows:

(c) The net metering application review and connection process requirements, including, the establishment of reasonable and appropriate timelines for all aspects of the net metering process, including but not limited to:

(1) application review

(2) final inspection

(3) temporary disconnection and reconnection, and

(4) permission to operate.

→If the utility denies the application, provide to the net metering applicant a notice detailing the reasons for the denial.