



Architectural Control Committee

NOTE REGARDING SOLAR RIGHTS AND DESIGN GUIDELINES

As you may be aware, New Mexico has enacted a law addressing the authority of county or municipal entities, or covenants, to prohibit the installation or use of solar collectors (SB 1031 Section 1 amending Chapter 3, Article 18 NMSA 1978). The relevant clause reads as follows:

“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.”

The San Pedro Creek Estates Design Guidelines (Section 3.12) encourages the use of solar applications, and the ACC has worked with numerous residents to achieve solar installations that comply with both the NM Solar Rights Act and the aesthetic considerations of the Design Guidelines. All proposed solar collection installations must be submitted for review, and while no limitations are put on the “installation or use” of collectors (as per the law), the ACC may require visual screening and/or selective placement so as to reduce visual impact, so long as it does not “effectively prohibit the installation or use” of such collectors.