

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 137

Introduced by Dungan, 26.

Read first time January 13, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to homeowners associations; to prohibit
- 2 certain restrictions relating to solar energy devices and pollinator
- 3 gardens; to define terms; to provide a cause of action; and to
- 4 provide a duty for the Revisor of Statutes.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) No homeowners association as defined in section
2 18-3102 or similar mutual benefit association or corporation organized
3 for the purpose of enforcing restrictive covenants established on real
4 property shall adopt or enforce any instrument governing or regulating
5 the ownership or use of real property including, but not limited to, any
6 covenant, declaration, bylaw, deed, contract or other agreement, term,
7 provision, or condition, which purports to prohibit or outright restrict
8 the installation or use of a solar energy collector or solar energy
9 system, the building of structures that facilitate the collection of
10 solar energy in any form, or a pollinator garden. Any such instrument
11 shall be void and unenforceable.

12 (2) No homeowners association as defined in section 18-3102 or
13 similar mutual benefit association or corporation organized for the
14 purpose of enforcing restrictive covenants established on real property
15 shall assess or charge a homeowner any fee for the placement of any solar
16 energy collector, solar energy system, or pollinator garden.

17 (3) Any existing covenant, declaration, bylaw, deed, contract or
18 other agreement, term, provision, or condition that violates subsection
19 (1) of this section is void and unenforceable.

20 (4) A homeowner shall have a civil cause of action against any
21 homeowners association or similar mutual benefit association or
22 corporation described in subsections (1) and (2) of this section or any
23 other person for a violation of this section.

24 **Sec. 2.** For purposes of section 1 of this act:

25 (1) Pollinator garden means a garden of any size that is (a)
26 designed to support pollinators, such as bees, butterflies, and
27 hummingbirds, by providing food, water, and shelter and (b) in compliance
28 with political subdivision pollinator garden programs;

29 (2) Solar energy collector has the same meaning as defined in
30 section 66-904; and

31 (3) Solar energy system has the same meaning as defined in section

1 66-905.

2 **Sec. 3.** The Revisor of Statutes shall assign sections 1 and 2 of
3 this act to Chapter 76.