

Solar Panels/Homeowners Association: Supreme Court of Missouri Addresses Applicability of Restrictive Covenant



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The Supreme Court of Missouri (“SCT”) addressed in a January 23rd Opinion an issue involving the enforceability of a statute barring covenants that limit or prohibit solar panel installation. *See Eikmeier and Love, v. Granite Springs Homeowners Ass’n, Inc.*, No. SC 101152, 2026 WL 202043 (Mo. Jan. 23, 2026).

The question considered was whether the statute 442.404.3 allowing the use of solar panels is retrospective in operation.

The SCT further determined whether the subdivisions’ Homeowners’ Association (“HOA”) rule prohibiting street-facing solar panels enforced against homeowners was practicable.

Colleen Eikmeier and William Love (“homeowners”) purchased a lot in a subdivision developed by Granite Springs. The subdivision contained a restrictive covenant prohibiting solar panels.

The homeowners asked the HOA to change the covenant restricting solar panels. The HOA refused.

The repeal and reenacted section 442.404 of Senate Bill 820 became section 442.404.3 which added the following provisions to the statute:

1. No deed restrictions, covenants, or similar binding agreements running with the land shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or solar collectors on the rooftop of any property or structure.
2. A homeowners’ association may adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the placement of solar panels or solar collectors to the extent that those rules do not prevent the installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device.
3. The provisions of this subsection shall apply only with regard to rooftops that are owned, controlled, and maintained by the owner of the individual property or structure.

The homeowners filed a petition for declaratory judgment and injunctive relief. They sought a declaration that any subdivision restricting the installation of solar panels violated section 442.404.3.

The SCT first considered whether the statute operated prospectively or retrospectively. It held that based on the statute’s language in section 442.404.3 the legislature intended broad applicability, extending to those covenants already in existence.

The homeowners argued that Missouri's public policy encourages the use of solar energy.

The HOA countered that when the restrictive covenant on solar panels was adopted, existing law permitted it to implement such restrictions. It further argued that:

- Applying section 442.404.3 to its covenant barring solar panels would impair the contractual agreement between lot owners in the subdivision.

The SCT viewed restrictive covenants as private contractual obligations. However, it held that:

- Even in removing that prohibition, section 442.404.3(2) specifically empowers homeowners' associations to adopt reasonable rules regarding solar panels but with the caveat that those rules cannot "prevent the installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device." That balancing protects the interests of all.

The SCT therefore held that section 442.404.3 does not impair the obligation of contracts and should apply retrospectively. It further held that a contrary holding would prevent the legislature from exercising its police powers in response to changing societal needs.

The HOA was noted to have failed to present evidence rebutting the homeowner's argument that requiring solar panels to be placed on non-street-facing portions of their roof would result in increased costs and a decrease in the systems efficiency.

The SCT held that section 442.404.3 applies to all covenants. This included those in existence before the statute's effective date. It also held that HOA's rule prohibiting placement of solar panels on street-facing portions of the homeowners' roof cannot be enforced.

The SCT entered judgment in favor of the homeowners.

A copy of the Opinion can be found [here](#).