



HB 1598: Freeing solar energy from community association bans

Residential solar energy is poised to grow at a tremendous rate as efficiencies improve and costs decline. One significant stumbling block to their adoption, however, is the restrictive covenants adopted by community and homeowner associations prohibiting solar installations. Often these restrictive covenants date back many years but are difficult to challenge or amend to meet the new energy realities of today.

In 2008, the General Assembly prohibited any new restrictive covenants banning solar installations on private property, but it did not invalidate bans in existing covenants.

Today, many homeowners continue to be stymied in their efforts to install solar panels on private property because of old restrictive covenants. Meanwhile, though, society increasingly recognizes that solar energy plays an important role in strengthening our electricity grid through distributed generation, and in contributing to a diverse electricity portfolio by supplementing our traditional fuel sources with clean, renewable energy. Covenants prohibiting the placement of solar panels violate the public interest.

HB 1598 (BaCote) would invalidate all outright bans on solar energy installations, while continuing to allow community associations to regulate the size, place and manner of placing solar panels on private property. It strikes the proper balance between promoting the public interest in encouraging renewable energy and the free use of private property, while respecting the right of communities to impose reasonable time, place and manner restrictions.