

Solar supporters help HOA work through restrictions

By Ben Delman on March 29, 2018/ [Energy rights](#), [Join together](#), [West Virginia](#)

We often say that solar is easier to do with a community of solar supporters. This was borne out recently as a conversation on the [listserv](#) helped Charles Town homeowners work through issues with their homeowners association.

Homeowners associations (HOAs) are empowered to set rules concerning aesthetic considerations for the communities they serve. Sometimes this includes restrictions on the installation of solar panels. The Community Association [estimates](#) that 180,000 West Virginians live in an area with some form of homeowners association.

Scott Rogers, Charles Town mayor [elected May 26, 2017] and president of his local HOA [Spruce Hill North], ran into this very issue. His HOA's bylaws included a ban on installing solar. So Rogers reached out to our community of solar supporters for help.

He learned that West Virginia law protects the solar rights of homeowners who live in an HOA. Section [§36-4-19](#) of the state code states that HOA prohibitions against solar are unenforceable. It does allow HOAs to impose "reasonable restrictions" on solar, so long as these restrictions do not make the homeowner's investment in solar economically impracticable. HOA rules against solar *voted on by HOA members* before the law went into effect in 2012 are grandfathered in, and could still be enforced.

The covenant used in Rogers' HOA came from the neighborhood's developer. The HOA never voted to ban solar.

"Our view of it was that if it was a restriction that had been voted on, then we'd have difficulty," Rogers said. "What we were looking at was an off-the-shelf HOA covenant. We didn't feel that we had the legal right to outright ban solar." Working with the board, Rogers' HOA passed new rules that allow solar to be installed on HOA members' roofs, but not as ground mount installations.

Rogers, who says he's had interest in solar since high school, has encouraged his community to deploy more sustainable energy.

"I've been talking with neighbors about it for years," Rogers said. "When you go around and educate people about solar and how efficient it is, you don't have to talk about global warming. In our case, people can cut their electric bills by 75%."

Rogers is working with the local school board to encourage solar installations on school buildings. He also is looking for land for the city to buy to install solar that can be used to power city buildings. He hopes to realize this goal within the next several years.

If you'd like to learn more about HOAs and solar, check out our [resource page](#).

Homeowners associations and solar access



Cory Lebson and family with their solar system.

If you live in a planned development or condominium, chances are you had to join a homeowners association (HOA) upon buying your property. HOAs establish rules for a neighborhood's aesthetic and raise money for shared amenities like pools and tennis courts.

Your HOA may restrict where and how you install your system. It may even prohibit you from outright installing solar. Many states, however, have enacted laws protecting homeowners' rights to generate solar electricity. These laws generally fall under two categories: solar access laws and solar easements.

Solar access laws

Solar access laws ensure that governing HOAs cannot prohibit their members from installing solar on their properties. However, they do often allow HOAs to place "reasonable restrictions" on solar systems. For example, some solar access laws allow HOAs to retain the right to influence the design of a rooftop solar array. In many cases, HOA members may still need to request permission before installing their solar panels and ensure all electrical wiring is out of sight. Click on your state below to learn more about local solar access laws.

Solar easements

Solar easements are voluntary agreements that individual property owners enter into with their neighbors or governing bodies (like HOAs). They allow the property owner to ensure their system gets enough sunlight to remain productive. An easement can specify many different things, such as requiring your neighbor keep their trees trimmed or restricting them from building an addition that would obstruct your solar panels. Some states protect the rights of their residents to negotiate solar easements with their neighbors and HOAs. Click your state below for more information.

Protecting solar access

Solar United Neighbors is fighting to protect and deepen solar access for homeowners and property owners across the country. We're working with solar supporters on the ground in our nine states to ensure that installing solar is not made unduly burdensome by HOAs or other governing bodies. Whether it's [protecting Pennsylvania solar homeowners from HOA interference](#) or [prohibiting D.C. HOAs from preventing solar installations](#), we are working to strengthen solar access rights.

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