



SOLAR RIGHTS: ACCESS TO THE SUN FOR SOLAR SYSTEMS



CONSUMER ACCESS TO THE SUN

Many solar consumers have questions about whether their neighbors can block access to their solar panels with shading, and whether Covenants, Conditions, and Restrictions (CC&Rs) can limit the use of solar. State laws in California protect homeowner access to the sun for solar systems, and these laws have been in place for more than 30 years.



Many homes today are part of planned communities that require a uniform and consistent appearance within the development. According to the Community Association Institute, more than 60 million Americans live in community associations. Unfortunately, planned communities can sometimes try to limit the growth in the use of solar energy, which makes the California Solar Rights Act and the Solar Shade Act popular and important information for homeowner's considering to go solar.

Solar Rights Act

The Solar Rights Act was created in 1978 (AB 3250, 1978), and it created a legal framework for solar access. The law includes protections to allow consumers access to sunlight (and prevent shading of systems) and to limit the ability of homeowner associations (HOA) and local governments from preventing installation of solar energy systems.

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The Solar Rights Act sought to promote and encourage the widespread use of solar energy and to “protect and facilitate adequate access to the sunlight which is necessary to operate solar energy systems.” Even though the law is more than 30 years old, the Solar Rights Act contributes significantly to California’s strong policy commitment to solar energy, and the policy rationale for the Act is relevant today and continues to support California’s solar energy policy initiatives.

- The Solar Rights Act balances the needs of individual solar energy system owners with other property owners by developing solar access rights.
- The Act limits the ability of Covenants, Conditions, and Restrictions, typically enforced by the homeowners associations (HOA), and local governments to restrict solar installations. These are perhaps the most well-known and important provisions.
- The Act also creates the legal right to a solar easement and requires local governments to preserve passive cooling and heating opportunities to the extent feasible in new development projects.

Solar Shade Act

The Solar Shade Act (AB 2321, 1978) provides limited protection to solar energy system owners from shading caused by trees and shrubs on adjacent properties. The law seeks to prevent a property owner from allowing trees or shrubs to shade an existing solar energy system installed on a neighboring property, provided the shading trees or shrubs were planted after the solar collecting device was installed.

Source: www.gosolarcalifornia.ca.gov

