
Solar ABCs

Solar Access Report

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- The premise:

Solar energy systems require access to sunlight in order to operate efficiently

- The question:

Does existing law sufficiently protect solar access?

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Solar Access Issues

- Solar Easements: the ability of one property owner to continue to receive sunlight across property lines without obstruction
 - Solar Rights: the ability to install solar energy systems on property subject to public or private land use restrictions.
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There is no common law right to sunlight, therefore, specific statutory authority is required:

- To protect the right to install a solar system, and
 - To protect access to sunlight so the solar system remains operational.
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Measures that have been employed to protect solar access with varying degrees of success include:

- Land use planning
 - Authority for solar easements
 - Prohibiting public and private restrictions against solar
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A review of traditional legal mechanisms as well as solar specific statutes and ordinances concluded that most current law was ineffective due to the lack of enforcement provisions or the cost of enforcement (i.e., litigation)

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- Elements of a comprehensive approach to protecting solar access were recommended.
 - A model statute was developed based upon the best practices found in the United States.
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The model statute is intended to serve as a strawman for discussion among stakeholders and will be revised to reflect feedback based upon stakeholders needs.

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Components of Model Solar Access Legislation State Level

Address state and local practices regarding use of solar energy including:

- prescriptive measures such as community design, solar easements, permitting fees and practices, standards and certification; and,
 - prohibitive measures, such as public and private restrictions on use of solar energy.
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Components of Model Solar Access Legislation

Local Level

- Implementation and enforcement of state law
 - Adoption of solar codes and standards
 - Comprehensive planning and site plan review to include solar features
 - Expedited permitting system and fee schedule
 - Competency requirements for solar installers
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Model Statute

- Title
 - State/Chapter/Section Numbering (or city/county for local ordinance)
 - Contents (list the subjects of the statute)
 - Preamble (provides justification for legislation and basis for state action)
 - Body of the statute (individual sections)
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Statute Sections

- Definitions: Solar energy device (how broad?)
 - Solar Easements: Two options – traditional voluntary easement or mandatory permit system; how much detail to include in statute vs. referencing a “standard”
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- Solar Rights: Traditional language with agency enforcement vs. enforcement through litigation
 - Local Ordinances: Gives local governments the authority to provide a variety of tools to encourage the use of solar, including solar access, site planning, variances, and prohibits local ordinances from restricting use of solar.
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- Adoption of standards for equipment
 - Adoption of expedited permitting system, including waived or reduced fees
 - Establishment of competency requirements for installers of solar equipment
 - Requirement for inspection of all solar energy equipment according to established guidelines
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For further information, or to submit suggestions, please contact:

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Thank you!
