

A Comprehensive Review of Solar Access Law in the United States

Suggested Standards for a Model Statute and Ordinance

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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 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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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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Key Elements of Statute:

- 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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Key Elements of Statute:

- **Solar Rights:** Incorporates traditional language with agency enforcement rather than enforcement through litigation.
- **Local Ordinances:** Provides tools to advance solar – such as site planning and variances – and prohibits local ordinances from restricting use of solar.



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Implementation:

- Stakeholder Feedback Needed to Assure Effectiveness of Statute (Reality Check)
- Work With Individual States and Stakeholders to Secure Adoption



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Thank you!

Please provide feedback to:

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Download a copy of the report:

www.solarabcs.org/solaraccess



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