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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www.solarabcs.org/solaraccess
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