

Solar America Board for Codes and Standards



A COMPREHENSIVE REVIEW OF SOLAR ACCESS LAW IN THE UNITED STATES

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A Comprehensive Review of Solar Access Law in the United States

Study Report Overview

This overview summarizes a study report from the Solar America Board for Codes and Standards (Solar ABCs). The full report documents legal issues for solar access and solar rights. The report provides model statutes for use by state and local governments.

Why the Report is Important

Consumers must have access to sunlight to efficiently and economically utilize a solar energy system. State and local statutes on solar access and solar rights can encourage or discourage consumer investment. State and local officials should consider the model statutes and ordinances in the report to encourage the use of solar energy.

Issue

Solar energy systems require direct access to sunlight to operate effectively and efficiently. The installation of a solar energy system on a new or existing building requires exterior modifications that are subject to building codes and private regulation. The report reviews the efficacy of existing laws and regulations to protect solar access for new and existing buildings and recommends specific measures to improve and ensure solar access for those planning to use solar energy systems on homes and commercial buildings.

Solar America Board for Codes and Standards Recommendation

The report recommends a model statute for implementation at the state level. The model statute includes prescriptive measures such as community design and solar easements. It also includes prohibitive measures such as those restricting the use of solar energy.

At the local level, the report recommends that focus be placed on implementation and enforcement of state law. Specifically, the site-plan review and approval requirement should include an element to address current and future use of solar energy (e.g., solar easements, landscaping, and building height restriction and orientation).

Key Findings of the Report

The solar access issue is separated into two distinct areas: solar easements and solar rights. “Solar easements” refers to the ability of one property to continue to receive sunlight across property lines without obstruction from another’s property (e.g., buildings, foliage, or other impediments). “Solar rights” refers to the ability to install solar energy systems on residential and commercial property that is subject to private restrictions (e.g., covenants, conditions, restrictions, bylaws, condominium declarations, and local government ordinances and building codes).

The United States has held that there is no common law right to sunlight. This requires that specific statutory authority be established to protect the rights of solar users in terms of their ability to install a solar energy system on their property, and after that system is installed, to protect their access to sunlight so the system remains operational.



Land-use planning, authority for solar easements, and prohibitive covenants, conditions and restrictions that impede the use of solar energy have all been employed to protect solar access with varying degrees of success. The report reviews traditional legal mechanisms that govern the operation of public and private governments, as well as solar-specific ordinances and statutes that have evolved over the years. It concludes that most current law has been ineffective or too expensive because of the lack of enforcement mechanisms.

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Download the Full Report:

www.solarabcs.org/solaraccess

For more information, visit the Solar ABCs

Web site: www.solarabcs.org

Solar America Board for Codes and Standards

The Solar America Board for Codes and Standards (Solar ABCs) is a collaborative effort among experts to formally gather and prioritize input from the broad spectrum of solar photovoltaic stakeholders including policy makers, manufacturers, installers, and consumers resulting in coordinated recommendations to codes and standards making bodies for existing and new solar technologies. The U.S. Department of Energy funds Solar ABCs as part of its commitment to facilitate wide-spread adoption of safe, reliable, and cost-effective solar technologies.

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