

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1472 (Delegate Conaway)
Environment and Transportation

**Baltimore City - Solar Panels on Commercial and Residential Structures -
Prohibition on Limitation**

This bill prohibits the Mayor and City Council of Baltimore City from limiting the installation of solar panels on the roof of a commercial or residential structure.

Fiscal Summary

State Effect: The bill does not affect State finances or operations.

Local Effect: The bill does not directly affect Baltimore City finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: Baltimore City may regulate (1) the height, number of stories, and size of buildings and structures; (2) the percentage of a lot that may be occupied; (3) off-street parking; (4) the size of yards, courts, and other opens spaces; (5) population density; and (6) the location and use of building, signs, structures, and land.

Under Title 2 of the Real Property Article (Rules of Construction), the State generally prohibits restrictive covenants that impose unreasonable limitations on the installation of solar panels on a property provided the property owner owns or has the right to exclusive use of the roof or exterior walls. An unreasonable limitation is a limitation that significantly increases the cost of the system or significantly decreases the efficiency of the system. However, this prohibition is not applicable to historic property that is listed in, or eligible for inclusion in, the Maryland Register of Historic Properties.

A property owner who has installed or intends to install a solar collector system may negotiate to obtain a solar easement that must be recorded in writing.

Background: The General Assembly has enacted statutory language stating that it is in the public interest to promote solar energy projects by providing State grants, loans, and other financial assistance. Several State programs provide incentives to encourage solar energy production and consumption. For example, the Department of Housing and Community Development is mandated by statute to provide grants and loans for the use of solar energy in commercial and residential buildings. The Maryland Energy Administration also provides grants to defray the cost of qualifying solar energy system installations.

Baltimore City advises that it does not restrict the use of solar panels and that it requires all new construction to be solar panel ready.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Maryland Energy Administration; Public Service Commission; Department of Legislative Services

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mr/lgc

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