



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Sponsor Testimony**

**SB 120: Restrictions on Use - Solar Collector Systems - Alteration**

Good afternoon, Chairman Korman, Vice Chair Boyce and members of the *House Environment and Transportation Committee*, thank you for the opportunity to present SB 120, *Restrictions on Use - Solar Collector Systems – Alteration*.

The proposed amendments to the existing law will establish a specific standard of “reasonableness” for restrictions on solar collector systems.

As currently drafted, the statute only provides that a limitation on solar collector systems shall be unreasonable if it “significantly” increases the cost of the solar collector system or “significantly” decreases the efficiency of the solar collector system. However, the statute does not define “significant.”

By incorporating specific percentages (like the solar panel statutes in Virginia, New York and other states), both the homeowner and the community association may look to a specific standard when determining if a cost increase or reduction in efficiency is “significant.” [Note: New York standard is restriction cannot lead to more than 10% increase OR reduce maximum efficiency]

An example of this situation arises when an HOA prohibits solar panels on the front roof of a home. Under the proposed amendments, that restriction would be unreasonable if placement of the panels on another portion of the roof (rear, side, etc.) increased the cost for the homeowner by more than 5% or reduced the efficiency of the system by more than 10%. Proof of this increased cost or reduced efficiency is required to be provided by a solar design specialist.

Without a specific standard of reasonableness, homeowners and Boards are left to argue about what is reasonable with respect to restrictions. I’ve witnessed these arguments in my practice. This language, borrowed from Virginia, allows everyone to be on the same page.

Finally, the proposed amendments will clarify a community association’s authority to both install and restrict solar panels on the common areas of the community. The authority to regulate is found in the governing documents for most associations; but this amendment makes clear that such authority extends to placement and restriction of solar collector systems.

Therefore, I respectfully request a FAVORABLE report for SB 120.