

# **HB 639 - Restrictions on Use Solar Collector Syst**

Uploaded by: Christa McGee

Position: FAV



## **House Bill 639 – Restrictions on Use - Solar Collector Systems - Alteration**

### **Position: Support**

Maryland REALTORS® supports HB 639, which further defines for property owners what type of restrictions on the placement of a solar collector system would be considered unreasonable. Additionally, this legislation would provide a mechanism that would assist property owners who wish to challenge a restriction enacted by a community association in which they reside.

REALTORS® support efforts that allow for property owners to utilize solar equipment in a way that is cost effective and allows them to generate enough energy to offset the expense associated with the equipment. Restrictions enacted by community associations on the placement of solar collector systems can cause homeowners to lose efficiency or increase their installation costs associated with the equipment. This creates a disincentive for homeowners within these communities to become more energy efficient. Having a mechanism in place for homeowners within these communities to challenge unreasonable restrictions on solar collector systems, along with the clarity offered in the definition as to what constitutes unreasonable, is helpful to homeowners within these communities. Additionally, REALTORS® support the same type of mechanism to provide a recourse for property owners who do not reside within a community association, allowing them to challenge unreasonable restrictions on solar collector systems that are enacted by a government entity.

Maryland REALTORS® recommends a favorable report.

**For more information, contact [lisa.may@mdrealtor.org](mailto:lisa.may@mdrealtor.org) or [christa.mcgee@mdrealtor.org](mailto:christa.mcgee@mdrealtor.org)**

**HB 639.pdf**

Uploaded by: Dave Arndt

Position: FAV

April 3, 2023

**Testimony on HB 639**

***Restrictions on Use - Solar Collector Systems***

Dave Arndt of Baltimore MD supports HB 639

HB639 will make changes to clarify what are unreasonable restrictions on solar collector systems. The bill prohibits restrictions that would increase the cost of installing a solar collector system by at least 5% or that would reduce the efficiency of the solar collector system by at least 10% below the projected energy generation of the initially proposed system. The bill also provides that the owner of the solar collector system provide documentation prepared by an independent solar panel design specialist certified by the North American Board of Certified Energy Practitioners and licensed in Maryland, showing that the restriction is unreasonable, to the satisfaction of a community association. The bill further provides that a community association may prohibit or impose reasonable restrictions on the installation of a solar collector system in the common area or common elements within the development served by the community association. Also, a community association may be authorized to install a solar collector system in the common area or common elements provided the installation is not otherwise prohibited by applicable law.

These are important technical changes to existing law that will clarify solar installation requirements for developments served by the community association. We recommend a FAVORABLE report for HB639 in committee.

I encourage a FAVORABLE report for this important legislation.

Thank you,

Dave Arndt  
1445 Haubert St.  
Baltimore MD, 21230  
240-328-7383

# **2023 MDLAC testimony HB639 - Senate Testimony.pdf**

Uploaded by: Grason Wiggins

Position: FAV

---

Steven Randol, Chair  
Aimee Winegar, CMCA, LSM, PCAM, Vice Chair  
Vicki Caine, Secretary  
Brenda Wakefield, CMCA, AMS, Assistant Secretary

Marie Fowler, PCAM, Treasurer  
Charlene Morazzani Hood, PCAM, MS,  
Asst. Treasurer

Hillary A. Collins, Esq., Member  
Igor Conev, CMCA, AMS, PCAM, CIRMS, Member  
Steve Dunn, Member  
Cynthia Hitt Kent, Esq., Member  
Judyann Lee, Esq., Member

Barbara Leonard, Member  
Susan Saltsman, CMCA, AMS, Member  
Scott J. Silverman, Esq., Member  
John Taylor, Member  
Tricia A. Walsh, CISR, Member

---

Julie Dymowski, Esq. Member Emeritus  
Kathleen M. Elmore, Esq. Member Emeritus

Chris Majerle, PCAM, Member Emeritus  
Robin Manougian, CIRMS, Member Emeritus

April 4, 2023

Hon. Senator William Smith  
Hon. Senator Jeff Waldstreicher  
Judicial Proceedings Committee  
2 E  
Miller Senate Office Building  
Annapolis, MD 21401

**Re: HB 639 – Restrictions on Use – Solar Collector Systems - Alteration**  
**Hearing: April 4, 2023 Position: Support**

Dear Chair Barve & Vice Chair Stein, and Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with condominiums, homeowners associations and cooperatives throughout the State of Maryland.

MD-LAC is writing today to voice our support for HB 639 which will amend existing Section 2-119 of the Real Property Article pertaining to restrictions on solar collector systems. The existing law prohibits a restriction within a Deed, Declaration, Bylaws or Contract that “significantly” increases the costs of the solar collector system or “significantly” decreases the efficiency of the solar collector system. The term “significant” is not defined, resulting in ambiguity with respect to what should be considered significant with respect to cost increase or efficiency reduction.

HB 639 seeks to establish an objective standard for “significant” by providing that an unreasonable restriction shall include any restriction that increases the costs of the solar collector system by more than five percent (5%) of the initially proposed installation or decreases the efficiency by

more than ten percent (10%) of the initially proposed installation. This objective standard for “significant” has been adopted by neighboring jurisdictions like Virginia (and other states), resulting in greater clarity for entities that review solar collector applications and homeowners who submit them. HB 639 will permit community association Boards and/or architectural committees to abide by an objective standard when approving or denying applications.

In addition, HB 639 clarifies a Board of Director’s authority to both prohibit and install solar panels on the Common Elements of a Community Association, subject to other applicable laws. In most cases, the Board of Directors has broad authority to regulate the Common Elements of a Community Association. This clarification seeks only to reiterate the Board’s authority to regulate installations of solar panels on the Common Elements.

Accordingly, the MD-LAC respectfully request that the Committee give HB 639 a favorable report.

We are available to answer any questions which you may have. Please feel free to contact any of the individuals listed: Lisa Harris Jones, CAI MD-LAC lobbyist, at 410-366-1500 or by email at [lisa.jones@mdlobbyist.com](mailto:lisa.jones@mdlobbyist.com); Hillary Collins, Esq., member by email at [hcollins@reesbroome.com](mailto:hcollins@reesbroome.com); or Steven Randol, Chair 410-695-2183, or [srandol@pineyorchard.com](mailto:srandol@pineyorchard.com)

Sincerely,

*Steven Randol*

Steven Randol  
Chair, CAI MD-LAC

*Hillary Collins*

Hillary Collins, Esq., CIRMS  
Member, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than thirty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.

**Maryland Legislative Action Committee**  
Post Office Box 6636  
Annapolis, Maryland 21401

# **Sunrun Letter of Support HB 639 .pdf**

Uploaded by: John Fiastro

Position: FAV





Sunrun submits this testimony in support of HB 639, which clarifies and provides certain standards for establishing whether a restriction or condition on the installation of a rooftop solar energy system is unreasonable. Under current law, there is a question of fact as to when a restriction or condition on the installation of rooftop solar on real property is unreasonable because it either “(i) significantly increases the cost of the solar collector system” or “(ii) Significantly decreases the efficiency of the solar collector system.” Determining what constitutes an unreasonable restriction involves subjective judgment as to what is a “significant” cost increase or decrease in efficiency. Such ambiguity and subjectivity is an invitation to litigation, a cost that would make any residential solar installation uneconomic.

While the solar industry was not the initial proponent of the bill, Sunrun appreciates the hard work of the bill sponsor, the Community Associations Institute, and others on improving the bill through amendments to expand the category of who is qualified to provide a trustworthy estimate of the impact of a condition on the cost or efficiency of a solar installation. This bill represents a meaningful step forward for all parties that will significantly narrow the scope of future disputes and help accelerate the deployment of customer-sited solar resources in Maryland.

Sunrun respectfully requests a favorable report for HB 639.

Contact: Thad Culley, 504-616-0181 [thad.culley@sunrun.com](mailto:thad.culley@sunrun.com)  
John Fiastro, 443-416-3842, [john@fiastroconsulting.com](mailto:john@fiastroconsulting.com)