

SB0049_Restrictions_On_Use_Solar_Collector_Systems

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0049 Restrictions on Use – Solar Collector Systems - Alteration

Bill Sponsor: Senator Elfreth

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0049 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Maryland needs to produce much more solar energy than it is currently projected to produce in order to meet its statutory greenhouse gas reduction requirements. There are many barriers to installation of solar that must be removed.

This bill, if enacted, will help to remove barriers for common ownership properties. Specifically, the bill will prohibit unreasonable restrictions by community associations related to the installation of a solar collector system. Those systems in which the restrictions by the association cause the installation cost of the system to be increased by at least 5% over the projected cost of the initially proposed project or where the energy generated is reduced by at least 10% below the projected energy generation in the initial proposal would be considered unreasonable.

A community association may still prohibit or restrict the installation of a solar collector system in the common area/elements served by the association, and may establish reasonable restrictions as to the number, size, place, or manner of placement or installation of a solar collector system installed in the common area/elements.

Our members see the need to change how we deal with the installation of energy systems in the state. We must be proactive and do everything we can to boost clean energy installations.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

SB 49 - Solar Collector Systems Alterations - FAV

Uploaded by: Christa McGee

Position: FAV



Senate Bill 49 – Restrictions on Use - Solar Collector Systems - Alteration

Position: Support

Maryland REALTORS® supports SB 49, 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 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 or christa.mcgee@mdrealtor.org

Testimony SB0049 DAC Final.pdf

Uploaded by: Debbie Cohn

Position: FAV

Committee: Judicial Proceedings
Testimony on: SB0049 - Restrictions on Use - Solar Collector Systems - Alteration
Individual: Deborah A. Cohn
Submitting: Deborah A. Cohn
Position: Favorable
Hearing Date: February 8, 2024

Dear Chair and Committee Members:

Thank you for allowing my testimony today in support of SB0049. As a Maryland resident whose children and grandchildren reside here as well, I am concerned that Maryland reduce its greenhouse gas emissions while taking into account broader environmental and public health goals. I urge you to vote favorably on SB0049.

Maryland's Renewable Portfolio Standard (RPS) calls for electricity suppliers in the state to increase the share of Maryland-generated solar energy in their overall sales to 14.5% by 2030. The standard focuses on Maryland-generated electricity because the state consumes about five times more energy than it produces¹ and can more easily influence the sources of Maryland-generated electricity than sources of electricity generated outside the state, much of which may rely on fossil fuels.

Need for More Solar Collection Systems in Maryland. According to information provided by the Solar Energy Industries Association (SEIA)², Maryland Solar Fact Sheet (2022 data)³ and NC Clean Energy Technology Center DSIRE RPS data⁴, Maryland has consistently fallen short of annual RPS solar carve-out targets for cumulative amounts of in-state solar generation since 2018. Even after the near-term annual targets were reduced in 2021, actual development has lagged the RPS requirement, with projected capacity to continue to fall below targets. Moreover, as a result of the 2021 modification, to reach the 14.5% carve-out by 2030 involves a much steeper rate of increase starting in 2024.

Small-scale, customer-sited solar photovoltaics, such as roof-top solar, now account for nearly two-thirds of the state's solar power generation.⁵ The remainder of Maryland's 1,500 MW solar generating capacity came from larger-scale solar farms.⁶ Reaching the solar carve-out by 2030 will require additional small-scale customer-sited solar photovoltaics. SB0049 facilitates installation of more small customer-sited solar collection systems.

¹ U.S. Energy Information Administration, Maryland State Profile and Energy Estimates, <https://www.eia.gov/state/analysis.php?sid=MD>

² <https://www.seia.org/>

³ <https://energy.maryland.gov/Pages/Info/renewable/solar.aspx>

⁴ <https://nccleantech.ncsu.edu/renewable-energy-resources/dsire/> DSIRE stands for the Database of State Incentives for Renewables & Efficiency

⁵ U.S. Energy Information Administration, Maryland State Profile and Energy Estimates, <https://www.eia.gov/state/analysis.php?sid=MD>

⁶ Ibid.

Problem with Existing Law. Real Property Section 2-119(b) provides that a restriction on use may not impose “unreasonable limitations” on the installation of a solar collector system on the roof or exterior walls of property for which the property owner has exclusive use. Existing law defines an “unreasonable limitation” as one that “significantly” increases the cost of the system or “significantly” decreases the efficiency of the system. “Significant” is not a measurable standard and so invites the costs and delays of litigation which can deter installation of rooftop solar on privately owned property in common ownership properties.

Solution. SB0049 substitutes quantifiable standards for subjective standards for what constitutes an unreasonable limitation. The bill deems a restriction unreasonable if the restriction: (1) increases the installation cost of the system by 5% or more over the projected cost of the initially proposed project or (2) reduces the energy generated by 10% or more below the projected energy generation in the initial proposal.

A community association still retains a full range of options regarding installation of solar collector systems in common areas or common elements. It may prohibit or restrict installation, establish reasonable restrictions on the number, size, place, or manner of placement or installation of a solar collector system, or the community’s board may decide to install a system.

To illustrate the potential of this proposal for increasing the number of residential solar collection systems, Montgomery County alone—excluding incorporated municipalities—has 1,206 registered common ownership communities, ranging in size from 4 units to 2,101 units.⁷

Conclusion. Increasing installation of small residential solar collection systems would help Maryland reach its solar energy goals, reduce electricity demand from the grid, and, when combined with behind-the-meter solar battery storage systems, strengthen the reliability and lower the cost of electric utility service during periods of peak demand.⁸

For these reasons I strongly support SB0049 and urge a **FAVORABLE** report in Committee.

⁷ <https://apps.montgomerycountymd.gov/DHCA-Licensing/COC/List>

⁸ Cf., <https://www.renewableenergyworld.com/storage/massachusetts-finds-early-success-with-behind-the-meter-y-storage-program/#gref>.

2024 02 07 MD LAC Testimony SB0049.pdf

Uploaded by: Hillary Collins

Position: FAV

Vicki Caine, Chair
Steve Dunn, Member, Vice Chair
Brenda Wakefield, CMCA, AMS, Secretary

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

Hillary A. Collins, Esq., Member
Igor Conev, CMCA, AMS, PCAM, CIRMS, Member
Julie Dymowski, Esq., Member
Kathleen M. Elmore, Esq., Member
Cynthia Hitt Kent, Esq., Member
Judyann Lee, Esq., Member
Barbara Leonard, Member

Chris Majerle, PCAM, Member
Robin Manougian, CIRMS, Member
Susan Saltsman, CMCA, AMS, Member
Scott J. Silverman, Esq., Member
John Taylor, Member
Tricia A. Walsh, CISR, Member

February 7, 2024

Senator William C. Smith
Senator Jeff Waldstreicher
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB0049 – Restrictions on Use – Solar Collector Systems - Alteration
Hearing: February 8, 2024 Position: Support

Dear Chair Smith and Vice Chair Waldstreicher, 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 SB0049 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.

The proposed amendment to this law 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

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

(and other states), resulting in greater clarity for entities that review solar collector applications and homeowners who submit them. The adoption of such an amendment will permit community association Boards and/or architectural committees to abide by an objective standard when approving or denying applications.

In addition, the proposed amendment 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 SB0049 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; Hillary Collins, Esq., member by email at hcollins@reesbroome.com; or Vicki Caine, Chair 215-806-9143, or MDLacChair1@gmail.com.

Sincerely,

Vicki Caine

Vicki Caine
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.

Sunrun Letter of Support SB 49.pdf

Uploaded by: John Fiastro

Position: FAV



Sunrun submits this testimony in support of SB 49, 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.

Sunrun appreciates the hard work of the bill sponsor and her leadership in the recently concluded Solar Task Force. SunRun worked with the Community Associations Institute, and others 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 SB 49.

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

Testimony SB0049 CCMC Final.docx.pdf

Uploaded by: Karl Held

Position: FAV

Committee: Judicial Proceedings
Testimony on: SB0049 - Restrictions on Use - Solar Collector Systems - Alteration
Organization: Climate Coalition Montgomery County
Submitting: Karl Held
Position: Favorable
Hearing Date: February 8, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB0049. The Climate Coalition Montgomery County, a coalition of 21 organizations focused on the climate and environment, urges you to vote favorably on SB0049.

Maryland's Renewable Portfolio Standard (RPS) calls for electricity suppliers in the state to increase the share of Maryland-generated solar energy in their overall sales to 14.5% by 2030. The standard focuses on Maryland-generated electricity because the state consumes about five times more energy than it produces¹ and can more easily influence the sources of Maryland-generated electricity than sources of electricity generated outside the state, much of which may rely on fossil fuels.

Need for More Solar Collection Systems in Maryland. According to information provided by the Solar Energy Industries Association (SEIA)², Maryland Solar Fact Sheet (2022 data)³ and NC Clean Energy Technology Center DSIRE RPS data⁴, Maryland has consistently fallen short of annual RPS solar carve-out targets for cumulative amounts of in-state solar generation since 2018. Even after the near-term annual targets were reduced in 2021, actual development has lagged the RPS requirement, with projected capacity to continue to fall below targets. Moreover, as a result of the 2021 modification, to reach the 14.5% carve-out by 2030 involves a much steeper rate of increase starting in 2024.

Small-scale, customer-sited solar photovoltaics, such as roof-top solar, now account for nearly two-thirds of the state's solar power generation.⁵ The remainder of Maryland's 1,500 MW solar generating capacity came from larger-scale solar farms.⁶ Reaching the solar carve-out by 2030 will require additional small-scale customer-sited solar photovoltaics. SB0049 facilitates installation of more small customer-sited solar collection systems.

Problem with Existing Law. Real Property Section 2-119(b) provides that a restriction on use may not impose "unreasonable limitations" on the installation of a solar collector system on the roof or exterior walls of property for which the property owner has exclusive use.

¹ U.S. Energy Information Administration, Maryland State Profile and Energy Estimates, <https://www.eia.gov/state/analysis.php?sid=MD>

² <https://www.seia.org/>

³ <https://energy.maryland.gov/Pages/Info/renewable/solar.aspx>

⁴ <https://nccleantech.ncsu.edu/renewable-energy-resources/dsire/> DSIRE stands for the Database of State Incentives for Renewables & Efficiency

⁵ U.S. Energy Information Administration, Maryland State Profile and Energy Estimates, <https://www.eia.gov/state/analysis.php?sid=MD>

⁶ Ibid.

Existing law defines an “unreasonable limitation” as one that “significantly” increases the cost of the system or “significantly” decreases the efficiency of the system. “Significant” is not a measurable standard and so invites the costs and delays of litigation which can deter installation of rooftop solar on privately owned property in common ownership properties.

Solution. SB0049 substitutes quantifiable standards for subjective standards for what constitutes an unreasonable limitation. The bill deems a restriction unreasonable if the restriction (1) increases the installation cost of the system by 5% or more over the projected cost of the initially proposed project or (2) reduces the energy generated by 10% or more below the projected energy generation in the initial proposal.

A community association still retains a full range of options regarding installation of solar collector systems in common areas or common elements. It may prohibit or restrict installation, establish reasonable restrictions on the number, size, place, or manner of placement or installation of a solar collector system, or the community’s board may decide to install a system.

To illustrate the potential of this proposal for increasing the number of residential solar collection systems, Montgomery County alone—excluding incorporated municipalities—has 1,206 registered common ownership communities, ranging in size from 4 units to 2,101 units.⁷

Conclusion. Increasing installation of small residential solar collection systems would help Maryland reach its solar energy goals, reduce electricity demand from the grid, and, when combined with behind-the-meter solar battery storage systems, strengthen the reliability and lower the cost of electric utility service during periods of peak demand.⁸

For these reasons Climate Coalition Montgomery County supports SB0049 and urges a **FAVORABLE** report in Committee.

Climate Coalition Montgomery County

350 Montgomery County
ACQ Climate (Ask the Climate Question)
Bethesda Green
Chesapeake Climate Action Network (CCAN)
Environmental Justice Ministry Cedar Lane Unitarian Universalist Church
Friends of Sligo Creek (FoSC)
Glen Echo Heights Mobilization
Green Sanctuary Committee of the Unitarian-Universalist Church of Silver Spring
Montgomery County Faith Alliance for Climate Solutions (MC-FACS)
Montgomery Countryside Alliance
Poolesville Green
Sugarloaf Citizens' Association
Transit Alternatives to Mid-County Highway Extended/M-83 (TAME)

⁷ <https://apps.montgomerycountymd.gov/DHCA-Licensing/COC/List>

⁸ Cf., <https://www.renewableenergyworld.com/storage/massachusetts-finds-early-success-with-behind-the-meter-y-storage-program/#gref>.

The Climate Mobilization Montgomery County (TCM-MoCo)
Takoma Park Mobilization Environment Committee (TPMEC)
Zero Waste Montgomery County

SB49- MDLCV Favorable- Restrictions on Use - Solar

Uploaded by: Kristen Harbeson

Position: FAV



February 8, 2024

Kim Coble
Executive Director

2024 Board of
Directors

Lynn Heller, Chair
The Hon. Nancy Kopp,
Treasurer
Kimberly Armstrong
Candace Dodson-Reed
Verna Harrison
Melanie Hartwig-Davis
Charles Hernick
The Hon. Steve Lafferty
Patrick Miller
Bonnie L. Norman
Katherine (Kitty)
Thomas

SUPPORT: SB49 - Restrictions on Use - Solar Collector Systems - Alteration

Chair Smith and Members of the Committee:

Maryland LCV supports SB49 (Restrictions on Use - Solar Collector Systems - Alteration) and we thank Senator Elfreth for her enduring leadership on this issue.

In 2019, the Maryland General Assembly renewed its commitment to expanding renewable energy by establishing a directive to have 50% of its energy consumption coming from renewable sources by the year 2030. Within this goal is the mandate that 14.5% of that renewable energy would come from solar energy generation. This goal has been embraced by Governor Moore, who has expressed his commitment to expand this goal still further, and reach 100% clean energy consumption by the year 2035. In order to achieve these goals, the state must take every opportunity to ease the path for solar energy generation, especially where it can have co-benefits to individuals or communities, such as rooftop and parking canopy installations.

SB49, and its House crossfile offered by Delegate Smith, provides an important opportunity for the state to reach its ambitious goals through allowing communities to participate in the clean energy economy. Unnecessary obstacles from Homeowner Associations prevents individual homeowners from reaping the financial benefits of discounted energy costs that can come from net metering and individual rooftop solar installations. Expanding the market of rooftop solar will also help to ease some of the pressure on open space ground-mount installations by supporting a diversified path to reaching the critical 14.5% solar carve out.

SB49 is one of several bills that will be before the General Assembly this year that will advance our renewable energy goals and help us build our clean energy economy. Solar energy is proven to be effective, efficient, and impactful both for the clean energy it creates, as well as for the expanded market for jobs to install and maintain the systems.

Maryland LCV urges a favorable report on this important bill.

SB0049-Restrictions on Use - Solar Collector Syste

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Judicial Proceedings
Testimony on: SB0049 - Restrictions on Use - Solar Collector Systems - Alteration
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 8, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB0049. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of nearly 30 grassroots and professional organizations, urges you to vote favorably on SB0049.

The Renewable Portfolio Standard (RPS) calls for 14.5% of Maryland’s clean electricity to be contributed by solar energy by 2030. The State is currently falling short of this goal. In fact, because Maryland utilities have failed to meet the annual solar energy RPS target, they paid a record \$78 million in alternative compliance payments to the Strategic Energy Investment Fund in FY 2022.¹

Small-scale solar installations (e.g., roof-top solar systems) account for nearly two-thirds of Maryland’s solar power generation.² Expanding customer-sited solar generation will play a significant role in helping Maryland reach our renewable energy targets, and we must look for meaningful ways to foster more residential solar. This is particularly true in the short-term as larger community and commercial solar projects are delayed due to the interconnection approval backlog at our PJM grid operator.³

SB0049 will help to remove barriers for solar installation at common ownership properties. Specifically, the bill will prohibit unreasonable restrictions by community associations related to the installation of a solar collector system. A restriction is deemed unreasonable if it: 1) increases the installation cost of the system by at least 5% over the projected cost of the

¹ Maryland Energy Administration. [Strategic Energy Investment Fund – Activities for 2022](#). February 2023.

² U.S. Energy Information Administration, [Maryland State Profile and Energy Estimates](#).

³ Natural Resources Defense Counsel. [PJM Interconnection Delays Threaten State Renewable Goals](#). May 18, 2023.

initially proposed project or (2) reduces the energy generated by at least 10% below the projected energy generation in the initial proposal.

A community association may prohibit or restrict the installation of a solar collector system in the common area/elements served by the association, and may establish reasonable restrictions as to the number, size, place, or manner of placement or installation of a solar collector system installed in the common area/elements.

The MLC Climate Justice Wing strongly supports SB0049 and urges a **FAVORABLE** report in Committee.

350MoCo

Adat Shalom Climate Action

Cedar Lane Unitarian Universalist Church Environmental Justice Ministry

Chesapeake Earth Holders

Chesapeake Physicians for Social Responsibility

Climate Parents of Prince George's

Climate Reality Project

ClimateXChange – Rebuild Maryland Coalition

Coming Clean Network, Union of Concerned Scientists

DoTheMostGood Montgomery County

Echotopia

Elders Climate Action

Fix Maryland Rail

Glen Echo Heights Mobilization

Greenbelt Climate Action Network

HoCoClimateAction

IndivisibleHoCoMD

Maryland Legislative Coalition

Mobilize Frederick

Montgomery County Faith Alliance for Climate Solutions

Montgomery Countryside Alliance

Mountain Maryland Movement

Nuclear Information & Resource Service

Progressive Maryland

Safe & Healthy Playing Fields

Takoma Park Mobilization Environment Committee

The Climate Mobilization MoCo Chapter

Unitarian Universalist Legislative Ministry of Maryland

WISE

sb49- community solar clarifications- JPR 2-8-2024

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Judicial Proceedings Committee
on
Senate Bill 49
February 8, 2024
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to support a cleaner energy future in Maryland by expanding renewables in its production regime. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community within three judicatories across our State.

My community publicly supported a cleaner energy future in its 1993 statement on the environment, "Caring for Creation." We are called to advocate for reductions of current and future greenhouse gas emissions through public policies that influence energy demand and consumption.

Following the 2022 Maryland Climate Solutions Act and the federal Inflation Reduction Act, the time to implement an energy regime transition is here. Increasing clean, renewable electric energy production is a good policy for achieving that goal. And getting more power from the sun is achievable, feasible, and relatively simple when there is consumer interest in residential solar.

The similar *House Bill 639* passed with considerable support in the House during the 2023 session. It was not voted on in Judicial Proceedings before the end of that session.

Senate Bill 49 will clarify "significant" to mean a restriction that causes cost to exceed 5% of an original installation proposal, or a loss of efficiency greater than 10% of an original design. Current law says that an unreasonable restriction is one that "significantly" increases the cost or reduces the efficiency.

Senate Bill 49 is mere clarification and merits your favorable report.

Lee Hudson

CHESSA - MD - JP Testimony SB49 CHESSA Favorable.p

Uploaded by: Robin Dutta

Position: FAV



8 February 2024

Senator William C. Smith, Chair
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Written Testimony

SB49: Restrictions on Use – Solar Collector Systems – Alteration

Position: Favorable

Chair Smith, Vice Chair Waldstreicher, Members of the Committee, thank you for the opportunity to testify on Senate Bill 49, Restrictions on Use – Solar Collector Systems – Alternation. I am Robin Dutta, the Executive Director of the Chesapeake Solar and Storage Association (CHESSA). Our association has over 100 member companies in the solar and energy storage industries. Many members are Maryland-based. Others are regional and national companies with an interest and/or business footprint in the state. Our purpose is to promote the mainstream adoption of local solar, large-scale solar, and battery storage throughout the electric grid in order to realize a stable and affordable grid for all consumers.

I am here to provide favorable testimony on SB49, Restrictions on Use – Solar Collector Systems – Alternation, which would clarify and strengthen current law to help homeowners protect their freedom to choose residential solar from unreasonable restrictions from a community organization. It is essential that all Maryland energy consumers are able to choose solar for themselves, both to protect individual choice but to help Maryland advance an equitable clean energy future.

As Marylanders fully electrify their buildings and purchase electric vehicles, they will become more reliant on the electric grid than at any previous point. The grid of the future will have the combined roles that today's grid, natural gas system, and gas stations have. For the grid to serve those roles, it will need to look and act differently. It will need to account for higher statewide electric loads, and greater electric demand in peak periods. And, the higher peak demand gets, the more expensive the electric grid becomes, due to expensive infrastructure expansion and higher peak energy pricing. If clean energy policy lowers peak demand, it lowers the cost of the grid.

Access to solar unlocks many more options for families. Installing solar is often done in conjunction with installing home battery storage, and when coupled solar plus storage systems can provide back-up power when the grid goes down. Electric vehicle owners are also often solar owners. Solar only, and solar plus storage systems can help lower the cost of powering electric vehicles. A 2020 study showed that surveyed participants were 66 percent more likely to own an electric vehicle if they owned solar. And researchers at the National Renewable Energy Laboratory [published an scholarly](#)



[journal article](#) where they found that electric vehicle adoption could increase a household's likelihood of adopting solar for themselves.

This link is significant, and ties to the stability of Maryland's grid of the future. Residential solar, especially when paired with battery storage, can decrease the grid impacts of electric vehicles. It can save homeowners money on both EV charging and home energy usage. However, this link needs to be influencing energy policy, and SB49 can help fill this gap. [In a 2023 report](#), the U.S. Department of Energy estimates that nationwide peak demand will increase by over 40 percent by 2050, largely from electric vehicle adoption. If Maryland's electric future follows anywhere near the projected national trend, it needs to step up the clean energy build-out throughout the state at the same time as handling fossil fuel retirements. That means unreasonable restrictions from community associations could hurt statewide clean energy goals in addition to preventing homeowners from choosing where they receive their energy.

It is essential that Maryland's clean energy scale up comes at the lowest cost with the highest value. Put another way, Maryland needs to lower that runaway peak demand that could come from electric vehicle adoption. Not prioritizing such a path could burden already-burdened families with higher costs for electric grid projects that are unnecessary. When there are more distributed clean energy systems in communities, there are greater assets to increase reliability and resiliency. These solar systems can also be key grid assets that can support local energy demand and help prevent that runaway peak demand.

For these reasons, CHESSA strongly supports SB49. Achieving an equitable clean energy transition will take everyone's efforts. Community associations should not be placing unreasonable restrictions on residential solar, and we think this legislation will prevent them from happening.

Please reach out with any questions on solar and storage policy. CHESSA is here to be a resource to the committee.

Sincerely,

Robin K. Dutta
Executive Director (acting)
Chesapeake Solar and Storage Association
robin@chessa.org

Elfreth - SB049 Testimony.docx.pdf

Uploaded by: Sarah Elfreth

Position: FAV

SENATOR SARAH ELFRETH
Legislative District 30
Anne Arundel County



James Senate Office Building
11 Bladen Street, Room 104
Annapolis, Maryland 21401
410-841-3578 · 301-858-3578
800-492-7122 Ext. 3578
Fax 410-841-3156 · 301-858-3156
Sarah.Elfreth@senate.state.md.us

Budget and Taxation Committee

Subcommittees

Capital Budget

Pensions

Chair, Public Safety,
Transportation, and Environment

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area

Chair, Joint Subcommittee on
Program Open Space/Agricultural
Land Preservation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 8, 2024

Testimony in Favor of SB049
Restrictions on Use - Solar Collector Systems - Alteration

Chairman Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee,

I respectfully request a favorable report of Senate Bill 049 to ensure that our State moves toward achieving our renewable energy goals by increasing accessibility of rooftop solar to more Marylanders.

Solar energy has proven to be effective, efficient, and environmentally impactful. Research shows that solar produces no pollution upon installation¹, reduces the stress on power grids and prevents power loss², and provides green jobs within communities³. Further, the long-term cost savings for residents more than pays for the cost of system installation, with research indicating an average of \$1,500 per year in savings per household and up to \$33,000 in savings over the lifetime of the system⁴, with opportunities to leverage even more savings through programs like net metering⁵. The environmental and economic benefits are long-lasting with immediate positive impacts on communities.

Maryland has made a strong commitment to expanding and prioritizing clean energy, with significant goals set for the next decade. The Clean Energy Jobs Act of 2019⁶ set the statewide goal of 50% of Maryland's energy to be derived from renewable energy sources, 14.5% of which is to be specifically solar. Governor Wes Moore expanded on this goal in April of 2023 by committing to Maryland achieving 100% clean energy by 2035⁷. These State efforts are in alignment with Federal initiatives to prioritize and incentivize clean energy nationwide, striving toward 50% of all energy in the United States derived from clean energy sources by 2050.⁸ I am proud to also introduce the

¹ <https://www.nachi.org/advantages-solar-energy.htm>

² <https://www.globalsolarcouncil.org/solar-energy-and-its-countless-benefits-for-the-power-grid/>

³ <https://www.greenbiz.com/article/renewable-energy-transition-creating-green-jobs-boom>

⁴ <https://www.forbes.com/home-improvement/solar/how-much-solar-panels-save/>

⁵ <https://www.forbes.com/home-improvement/solar/net-metering/>

⁶ https://mgaleg.maryland.gov/2019RS/Chapters_noln/CH_757_sb0516e.pdf

⁷ <https://www.cbsnews.com/baltimore/news/governor-moore-announces-maryland-commitment-100-clean-energy-by-2035/>

⁸ <https://www.eia.gov/todayinenergy/detail.php?id=46676>

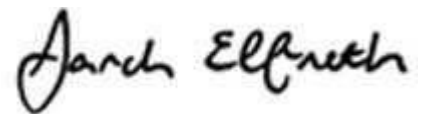
Brighter Tomorrow Act, a bill which will incentivize solar development across Maryland as we strive toward these State and Federal goals.

Ambitious goals such as these require the creation of new opportunities and increased accessibility of clean energy to all Marylanders. Maryland residents, homeowners, business owners, and communities are eager to get involved in the clean energy movement, but far too often, policies and regulations are put in place preventing rooftop solar on homes and residential buildings. This issue was brought to me by a constituent who sought to install solar on the roof of their home but was unable to do so due to unreasonable restrictions from their Homeowners Association. These unnecessary obstacles can inhibit hardworking Marylanders from the environmental and economic benefits of rooftop solar. Senate Bill 049 would establish protections from unreasonable prohibitions and limitations on rooftop solar, opening the door for more Marylanders to have solar powering their homes and communities.

Our great state is emerging as a leader in clean, renewable energy. The passage of Senate Bill 049 would enhance our impact and engage countless Maryland residents in taking action to combat climate change.

I urge a favorable report on Senate Bill 049.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive, flowing style.

Senator Sarah Elfreth
District 30

SB049_IndivisibleHoCo_FAV_Virginia Smith.pdf

Uploaded by: Virginia Smith

Position: FAV



SB049

Restrictions on Use - Solar Collector Systems - Alteration

Testimony before the Judicial Proceedings Committee

Hearing February 8, 2024

Position: Favorable

Dear Chair Smith and Co-Chair Waldstreicher, and members of the committee, my name is Virginia Smith, and I represent the 700+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today **in support of SB049**, which would define more clearly what are the prohibited restrictions on land use for installing solar collector systems. We appreciate the leadership of Senator Elfreth in sponsoring this legislation.

You can easily google crazy HOA rules and find many sites with funny stories. However, with the urgent need to cut greenhouse gas (GHG) emissions, one area where an HOA should be prevented from prohibiting residents from making alterations to their house, is when they want to install solar collector systems on their roof or siding. Maryland, thankfully, has a law in place that prevents an HOA from imposing a restriction on unreasonable limitations on the installation of solar panels.

However, the original wording of this law was not specific enough by only saying that the limitation could not “significantly increase the cost of the solar collector system or significantly decrease the efficiency of the solar collector system”. This bill will fix that by stating what the increases and decreases are. Specifically, the limitation could not increase the cost of the system by 5% or more and could not decrease the efficiency by 10% or more. This will help make it clear for both homeowners and HOAs.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Virginia Smith
Columbia, MD 21044