

Committee: Judicial Proceedings
Testimony on: SB0049 - Restrictions on Use - Solar Collector Systems - Alteration
Individual: Deborah A. Cohn
Submitting: Deborah A. Cohn
Position: Favorable
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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>.