

20250113 MD LAC Testimony SB0120.pdf

Uploaded by: Ashley Clark

Position: FAV

Vicki Caine, Chair
Igor Conev, CMCA, AMS, PCAM, CIRMS, Vice Chair
Brenda Wakefield, CMCA, AMS, Secretary

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

Hillary A. Collins, Esq., Member
Julie Dymowski, Esq., Member
Kathleen M. Elmore, Esq., Member
Cynthia Hitt Kent, Esq., Member
Barbara Leonard, Member
Chris Majerle, PCAM, Member

Robin Manougian, CIRMS, Member
John Oliveri, Esq., Member
Nura Rafati, Esq., Member
Susan Saltsman, CMCA, AMS, Member
Scott Silverman, Esq., Member
Ellen Throop, Esq., Member
Tricia A. Walsh, CISR, Member

January 13, 2025

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

Re: SB0120 – Restrictions on Use – Solar Collector Systems - Alteration
Hearing: January 15, 2025 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 SB0120 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

(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 SB0120 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.

SB0120_Restrictions_On_Use_Solar_Collector_Systems

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0120 Restrictions on Use – Solar Collector Systems - Alteration

Bill Sponsor: Senator Muse

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 SB0120 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.

SB120 - Solar Collector Systems Alterations - FAV

Uploaded by: Christa McGee

Position: FAV



Senate Bill 120 – Restrictions on Use - Solar Collector Systems - Alteration

Position: Support

Maryland REALTORS® supports SB 120, 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**

SB 120 - MoCo DEP - Fitzgerald (GA 25) FAV.pdf

Uploaded by: Garrett Fitzgerald

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 120

DATE: January 15, 2025

SPONSOR: Senator Muse

ASSIGNED TO: Judicial Proceedings Committee

CONTACT PERSON: Garrett Fitzgerald (garrett.fitzgerald@montgomerycountymd.gov)

POSITION: Favorable (Department of Environmental Protection)

Restrictions on Use - Solar Collector Systems - Alteration

This legislation will clarify existing State law to help enable the installation of solar energy systems in residential properties governed by community associations.

Existing State law prohibits restrictions that would impose unreasonable limitations on the installation of solar energy systems on the roof or exterior walls of a building where the property owner owns or has the right to exclusive use. However, the term “unreasonable limitations” is defined vaguely, leading to confusion for all parties.

This legislation clarifies and reinforces the intent of existing State law by more specifically defining that a restriction on use is unreasonable if it increases solar installation costs by at least five percent or reduces energy generated by the solar collector by at least ten percent.

The bill also clarifies and reinforces a community association’s authority to install, prohibit, or restrict solar panels on common elements of a property served by the association.

Solving the climate crisis requires us to shift to clean and renewable energy sources like solar energy. All of us have roles to play and opportunities to benefit from this transition, and no one should be left behind. This legislation will enable thousands of residents in Montgomery County alone, and many more throughout Maryland, to more easily install solar panels on their residences in alignment with State and local climate goals.

We respectfully request that the Judicial Proceedings Committee give Senate Bill 120 a favorable report.

SB0120 - FAV - Restrictions on Use - Solar Collect

Uploaded by: Landon Fahrig

Position: FAV



Maryland Energy Administration

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee
FROM: MEA
SUBJECT: SB 120 - Restrictions on Use - Solar Collector Systems - Alteration
DATE: January 15, 2025

MEA Position: FAVORABLE

Senate Bill 120 prohibits unreasonable restrictions by community associations related to the installation of solar collector systems, removing obstacles to advancing the state's clean energy goals.

Restrictions by community associations can increase installation costs and reduce system efficiency, creating a disincentive for homeowners within these communities to take advantage of solar opportunities

Senate Bill 120 removes these restrictions and creates an incentive for homeowners within these communities to challenge unreasonable restrictions on solar collector systems.

MEA urges the committee to issue a **favorable report**.

Our sincere thanks for your consideration of this testimony. For questions or additional information, please contact Landon Fahrig, Legislative Liaison, directly (landon.fahrig@maryland.gov, 410.931.1537).