



Community Guidelines and HOA Bylaw Assessment

Each condominium community and supporting homeowner association (HOA) has governing covenants, conditions and restrictions (CC&Rs) and accompanying bylaws that must be reviewed to understand any restrictions that apply to installing solar.

CC&Rs generally relate to allowable aesthetics within the community and are typically defined as having the goal of preserving property value and appeal. Community bylaws are those rules that govern the HOA and board of directors and typically apply to the approval and consensus process, member voting rights and community meeting frequency and format.

In California, the Solar Rights Act of 1978 and subsequent legislation create a legal framework for solar access and limit the ability of HOAs to completely restrict solar installations.

Proposing solar for a condo community takes coordination and consensus among residents and HOA board members as well as input from financial and solar energy experts and perhaps legal advisors.

It will be important to understand the financial commitment going solar may entail. Will the solar system be purchased or leased? Does the community have adequate reserve funding for a solar project or will a special assessment need to be imposed? What are the potential cost savings over utility rates, how will the costs/savings be assigned to each unit and what is the payback period? All of these questions depend on the size and cost of the project, which will be explored in Steps 3 & 4.

A good first step is to consult your HOA management company about what CC&Rs and bylaws may restrict the development of a solar project. Then form a solar team to build community interest and support among residents, HOA board members and the management company, and begin to gather information and professional assistance.

The solar team or HOA management company also may consider seeking legal consultation to better understand the community bylaws and solar rights within the HOA community.

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What community CC&Rs could restrict the installation location or design of the solar project?	
What do the HOA bylaws state as the process for obtaining approval for a community project?	



What is the roof ownership structure for common and resident roofs?

Does the condo community have reserves for funding a solar project, or would a special assessment need to be imposed?