

THE SOLAR ACCESS LAW FOR HOMEOWNERS

This is in reference to the review of a solar energy system installation by a homeowners' association.

A primary concern of homeowner associations regarding solar installations is the appearance of the collector array. In order for the solar system to operate at a peak efficiency, the best place to install the collectors is on the south. If this is objectionable, it becomes necessary to consider the alternatives and determine the relative losses in system operating efficiency. In many cases, the alternatives may be unacceptable choices when you consider the sacrifices in efficiency and the costs associated with satisfying the community's sense of aesthetics.

The sizing and installation guidelines that the Florida Solar Energy Center (FSCF) has developed for solar water and pool heating systems dictate that the solar collectors face south or within 45 degrees east or west of due south. Facing north is out of the question. The collectors must be tilted at an angle of latitude plus 10 or 15 degrees. In most areas of Florida, this would mean an angle of about 40 degrees.

Florida law addresses the issues of restrictive covenants and local ordinances which attempt to control the use of renewable energy equipment (Section 163.04, Florida Statutes). Section 163.04, termed the "solar access law" was intended to bar restrictions which may act to prohibit or effectively prohibit the use of solar. The law was amended in 1992 to close a loophole which limited its applicability to homeowner associations. The law now forbids ordinances, deed restrictions, covenants, or similarly binding agreement from prohibiting the use of solar equipment. Under the law, a homeowner may not be denied permission to install solar collector by "any entity granted the power or right in any deed restriction, covenant or similar binding agreement to approve, forbid, control, or direct alteration or property..."

While a homeowner cannot be prevented from installing a solar energy system, certain restrictions may be imposed without violating the law. However, those restrictions must be reasonable, not arbitrary, and uniformly imposed on the homeowners in the subdivision. They cannot act to impair the performance of the system or they may be seen as "effectively" prohibiting solar.

Please let me know if I can be of assistance in this matter. The Center is a research organization within the State University System. We are here to provide assistance to consumers as well as others who have an interest in the use of solar energy.

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