



Memorandum of Support

April 8, 2019

S.4742A (Parker)

Title: The Solar Rights Act, an act to amend the real property law, in relation to prohibiting homeowners' associations from restricting the installation or use of solar power systems.

Purpose: The purpose of this bill is to make it easier to expand the use of solar power in New York State by limiting the ability of homeowners' associations (HAs) to restrict the installation or use of solar power systems (SPS) and requiring HAs to provide detailed reasons for rejection of a homeowner's installation of a SPS. This legislation does allow a HA to prohibit the installation of a SPS on property owned by the HA or owned in common by the members of the HA.

Statement of Support: In order to reduce greenhouse gas emissions which result from burning fossil fuels, the New York State Public Service Commission adopted the Clean Energy Standards in 2016, which call for 50% of electric power in the grid to come from renewable sources by 2030. To achieve this goal or better, the Legislature must expand the opportunities to use solar energy. Obstacles that have stood in the way of expanding access to solar must be removed.

States including Arizona, California, Florida and Massachusetts have adopted laws prohibiting HAs from banning or restricting the installation and use of SPS on members' roofs, since most HAs have not modified their by-laws to allow this option and often reject such installations without giving any reason.

This bill would give homeowners the right to install SPS on their roofs in consultation with their HAs. Sierra Club Atlantic Chapter supports this way of expanding the use of solar arrays while still giving HAs protections to ensure that the SPS meet federal, state and local health and safety standards. The opportunity to expand solar power generation is in the public interest, as reducing greenhouse gases now will avoid some of the worst impacts of climate change in the future. The Solar Rights Act should therefore be passed as one step in this important endeavor.

Sierra Club Atlantic Chapter Urges Your Support of S.4742A