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## Homeowners Lose Solar Panel Battle

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In one of the few cases to take a hard look at the legal boundaries of the California Solar Rights Act, a Los Angeles County jury has ruled a homeowners association complied with the 1978 statute in ordering a couple to tear down their solar panels for safety and aesthetics reasons.

The jury this month agreed with the Tesoro del Valle Master Homeowners Association that Martin Griffin and Carolyn Griffin must remove their 300 square feet of panels near a public sidewalk, even though the association allowed other residents to put them on and near their homes.

While the Solar Rights Act generally forbids interference with panels, the jury agreed its "reasonable restriction" covenant - including that which doesn't significantly hinder the efficiency of the system - applied in this case.

Greenberg Glusker partner Ricardo P. Cestero, whose firm represented the Valencia association, said Tuesday that the Nov. 2 verdict is "a vindication of the right of homeowners associations to protect the communities they manage and to balance the need for renewable energy with the integrity of their communities."

Woodland Hills attorney Stephen Simon, lead attorney for the Griffins in the trial, could not be reached for comment Tuesday.

The case comes as solar energy is swiftly gaining popularity in the clean tech boom, with some cities working to ease the process for residents and businesses to install panels, and developers clamoring to build vast solar farms across wide swaths of California desert. The movement has spawned controversy in some homeowners associations such as the Griffins' as well as environmental concerns over panel placement.

As residents of Tesoro del Valle - an upscale, five-year-old master planned 1,100-home and condominium development in the Valencia foothills surrounded by man-made lakes - the Griffins installed 36 solar panels on their roof. It was the 22 additional panels they put in their

yard near a community sidewalk that caused a spat.

Attorneys for both sides in the two week trial before Judge Randy Rhodes sparred over application of the Solar Rights Act to the situation. The act, or state Civil Code 714, says any "covenant, restriction or condition" limiting or restricting a solar energy system is "void and unenforceable." The Griffins contended the law gave them the right to keep the panels in the location.

Rhodes barred the homeowner's association from collecting monetary damages in the case. The suit is *Tesoro del Valle Master Homeowners Association v. Griffin*, PC042530 (Los Angeles Co. Super. Ct., filed 2008).

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