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Solar panels causing some storms

Even as California and the federal government encourage solar power, homeowners often have to fight homeowners associations for their right to install the systems.

By Catherine Saillant

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Ready to chuck his electric bills, Camarillo resident Marc Weinberg last year asked his homeowners association for permission to put solar panels on his roof.

When the Spanish Hills Homeowners Assn. said no, Weinberg sued the group. Under the state's Solar Rights Act, he argued, a homeowners association can't unreasonably block solar installations.

Weinberg won, and the Spanish Hills Homeowners Assn. was ordered to not only permit the solar panels but to cover the tens of thousands of dollars that Weinberg had spent on legal fees. Since last fall, when he installed a double row of matte black panels, three other homes in the hilltop neighborhood of luxury estates have added panels.

"We didn't set out to be green activists," said Weinberg, 39, a real estate attorney. "That's not where we're coming from. We honestly looked at it from a financial standpoint."

Whether motivated by pocketbook or environmentalism, similar battles between homeowners groups and property owners are cropping up across the state as the installation of solar systems becomes more affordable and utility costs rise.



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Homeowners boards insist that they are protecting property values by enforcing rules that govern everything from paint color to how early trash bins can be set out for collection. But residents say their right to invest in alternative energy trumps the sensibilities of neighbors who don't like how the panels look.

Results of the battles have been mixed even as the nation is being urged by the Obama administration to embrace alternative energy.

Santa Clarita homeowner Marty Griffin put solar panels up anyway after his homeowners association rejected his application. The Tesoro Del Valle Homeowners Assn. sued him, and in early November a jury told Griffin the panels should be moved to a more discreet spot on his property.

Solar installer Bradley Bartz earlier this year threatened a Palos Verdes community group with legal action after it denied three clients permits to install solar panels. He filed a claim against the city of Torrance after it rejected another client's application. In all four cases, Bartz said, he prevailed.

Homeowners' main defense is the Solar Rights Act, adopted by California in 1978 to protect consumers' right to install solar energy technology. The law makes it difficult for homeowners groups to reject solar energy equipment unless it creates a safety hazard or a modification can be made without great cost.

Now, solar advocates are pushing for a federal version of the California law. Energy legislation that moved through the House earlier this year included a provision that would make it illegal for HOA rules, leases or private contracts to prohibit the installation of solar systems.

It's uncertain whether the Senate will keep the language in its version of the bill, said Raymond Walker, a government affairs spokesman for Standard Renewable Energy, a Houston-based solar installer. As debate continues, solar industry advocates are forming a lobbying group to make sure their voices are heard, Walker said.

Industry officials say fewer regulatory hassles would speed the growth of jobs and move the nation closer to energy independence, he said.

"We want to make this into a real industry, and we're trying to make sure the regulatory landscape is clear so this can take off," he said.

Homeowner and community groups haven't taken a position on the bill yet. Community Associations Institute, an education and advocacy group based in Alexandria, Va., said such "green issues" arise regularly in the estimated 300,000 community groups nationwide.

The institute advises striking a balance between conservation and aesthetics, said spokesman Frank Rathbun.

Advocates say those who invest in alternative energy should be applauded instead of punished. They ultimately benefit ratepayers by reducing demand on the state's grid, said Adam Browning of Vote Solar, a San Francisco-based nonprofit that promotes the use of solar energy.

"It's somebody doing their part to reduce peak load," Browning said. "That's the most expensive electricity utilities have to buy."

California two years ago launched a \$3.3-billion effort to increase the use of solar statewide, offering rebates and tax credits to consumers who install energy systems. Since then, the number of homes and businesses with installed solar has more than doubled, growing from 23,000 in 2006 to 52,700, according to the California Public Utilities Commission.

The cost of small solar systems declined 9% in the last year and larger installations have fallen 13%, the PUC said in an October report. Still, the state is far from being on track to its goal of adding 3,000 megawatts in solar panels by 2016, sufficient to power 600,000 homes.

Property owners who install panels can sell excess energy back to the power companies for credit on their monthly bills.

Weinberg, the Camarillo resident, said he no longer pays electric bills that rose as high as \$500 a month for his 3,000-square-foot home during hot summer months. He's already earned a \$60 credit for sending excess energy to the state's grid, he said.

"There is now a greater financial incentive for people to adopt this stuff," Weinberg said. "So I've got to think there's more incentive to fight."

The heightened activity has produced more battles, not just in California but across the nation. A Woodbury, Minn., man was reportedly denied permission to install solar panels on his roof because his homeowners association found them too obtrusive.

In Somerset County, N.J., a homeowner was reportedly ordered to remove 28 installed panels. In Avondale, Ariz., retiree Hank Speak has been fighting for more than six years to keep his solar equipment. Arguing that the panels were ugly, his homeowners group imposed huge fines.

But last year, an Arizona judge ruled that the association's restrictions were contrary to the state's support of solar power.

Walker, the Houston solar installer spokesman, estimates that his firm has lost \$2 million in jobs this year because homeowners groups have blocked installations in several of the states where the company operates.

Several states, including California, Arizona, Colorado and Florida, have laws that prevent homeowner groups from imposing too many restrictions. But as the California cases demonstrate, homeowners sometimes have to fight for their rights.

Weinberg took on his homeowners group, he said, because the law appeared to be clearly on his side, he said. The Spanish Hills Homeowners Assn. wanted him to move the panels from the front of his house to the back. But that orientation would have caused him to lose about 40% efficiency, a violation of the act, he said.

Griffin, the Santa Clarita homeowner, said he installed his panels without his homeowners group's permission because it was taking too long to respond. His attorney, Michael Ribons, said delay is often a tactic.

"Homeowners associations stall, they say they want more information," Ribons said. "But everyone knows it's all about looks."

The jury's finding that Griffin should relocate some of the panels to a newly built platform would cost him about \$8,000, Ribons said.

Bartz, who's run ABC Solar in Rancho Palos Verdes since 2000, said he regularly runs up against homeowner association boards -- and even city planning departments -- that throw up roadblocks. They usually back down once they learn about the Solar Rights Act, Bartz said.

"Some homeowners groups are just unaware," he said. "But they also like their control."

The community board for the Palos Verdes homes rejected the permits because the proposed solar panels were blue, Bartz said.

"They wanted it black. It just was arbitrary," he said. "I don't care how they feel. I know every time the meter spins backwards, I feel good."

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Times staff writer Ann Simmons contributed to this report.

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