Solar Cause Clashes With Homeowner Groups

Ray Henry, Associated Press

CUMMING, Ga. (AP) — The government wants you to install solar panels at your house, and will even give you a tax break to do it. But your neighbors? Maybe not.

It's a lesson Angel and David Dobs discovered when their homeowners association north of Atlanta denied their request to install solar panels on their roof. Neighborhood officials said the panels would look out of place and might lower home values in a community that regulates details as fine as the coloring of roof tiles, the planting of trees and the storage of trash cans.

"It's like living under communism — someone gets to dictate every possible thing you do," David Dobs said.

Homeowners associations around the country have banned or severely restricted the installation of solar panels, and the solar industry has pushed back to halt the practice. A recent attempt in Georgia to expand the right to go solar had support from environmentalists and some Republican lawmakers concerned about private property rights but it succumbed to opposition from developers and real estate agents.

Roughly two dozen states now forbid or limit homeowners associations or local governments from banning solar panels, according to a database run by North Carolina State University. Similar disputes have prompted lawsuits in Nebraska and California.

Angel and David Dobs supported the Georgia legislation after their run-in with the homeowners association. David Dobs had viewed the project as his personal contribution to prevent global warming.

Leaders of the Vickery Lake Homeowners Association in Cumming say the dispute is about architecture and aesthetics, not the merits of solar power. Homeowners automatically accept the community rules when they purchase a home there.

"We're not going to debate whether it's a good idea to have green energy or not," said Jim Pearson, the association's president.

These debates are likely to keep flaring as more people install solar energy systems because the equipment is getting cheaper and governments subsidize the cost. Taxpayers can now deduct 30 percent of the cost of installing solar panels from their federal tax bill. Other states and local governments offer additional incentives.

The fight is not new. Some solar rights laws date back to the 1970s, while other states have added similar measures more recently.

California's law, first enacted in 1978, prevents homeowners associations from forcing residents to make aesthetic changes to photovoltaic panels that raise the cost by more than $2,000 or decrease a system's efficiency more than 20 percent.

Most disputes in California are worked out privately, but a few have reached the court system. Last year, a California appellate court upheld a decision forcing a couple to remove solar panels that were installed in their yard without the approval of their homeowners association. They were allowed to keep other panels on their roof.

"They don't like the way they look," said attorney Michael McQueen, who represented the couple and others in similar disputes. "And (homeowners associations) are all about looks. Is your lawn green? Are your hedges trimmed?"

Ricardo Cestero, an attorney for the homeowners association, said neighborhood leaders were concerned the ground-level panels were not set back far enough from the street, were inadequately protected from damage and might cause erosion.

Texas adopted a law last year preventing homeowners associations from totally blocking solar panels. The law makes clear that residents can install them on roofs or in fenced-in yards or patios, subject to some limits.

In Georgia, the fight between the Dobses and their homeowners association started in 2010. David Dobs said the rules required that he and his wife seek permission to build solar panels.

He first proposed installing 30 panels on two areas parallel to the slope of his roof. People could have seen sections of the three-by-five-feet panels as they walked or drove along the street.

The homeowners association rejected that request and three others from Dobs.

Board member Jim Graham said that to win approval, the panels would probably need to be out of view, perhaps mounted in a backyard and obscured by a fence — though fences too are subject to association approval.

Graham said that if people don't like the rules, they are free to buy elsewhere.

"They chose to come into this community," he said.

Lawmakers in Georgia tried to resolve the problem with legislation giving homeowners associations the rest of the year to decide whether to ban solar panels. Any neighborhood that did not set a ban by next year would be unable to stop a homeowner from installing solar panels in the future.

There were limits. Homeowners associations could restrict the panels to roofs or fenced-in backyards and patios. They could require that panels be installed parallel to the slope of a roof and ban any backyard solar equipment that rose higher than the surrounding fence.

Even in states that give homeowners the right to install solar panels, homeowners associations still ban them.

Neighborhood leaders in a Salem, Ore., subdivision rejected Larry Lohrman's request to install solar panels on his roof because their rules banned the equipment, Lohrman said. He successfully argued that a 1979 solar rights law made that ban illegal, and he and a neighbor helped the association draft guidelines governing the installation of solar panels.

His panels were installed and started producing power in 2010, though Lohrman said he nearly abandoned the effort in frustration during the year it took to write the new guidelines for his homeowners association.

"They're just afraid that someone's going to put up this big, honking ugly thing that reflects light and just looks ugly," he said.

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