

VIRGINIA  
LEADERSHIP  
RETREAT

Community Associations Institute

**It's the End of the  
World as We Know It.**

Preparing for "Forcing Green" Legislation.

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## What is “Forcing Green” Legislation?

Laws that require common interest communities to permit solar panels, clotheslines, or electric vehicle charge stations with little or no regard to any prohibition in the governing documents.



## Proposed but not passed in Virginia:

- Mandated permitting of “Wind energy drying devices”

AKA- Clotheslines



## Proposed and passed in Virginia:

- Solar energy collection device

AKA Solar panels



## **Green Energy Device Legislation is gaining momentum in states across the US:**

Florida

Maine

Vermont

Colorado

Oregon

Arizona

Hawaii

Utah

California

Illinois

Indiana

Louisiana

Massachusetts

Nevada

New Mexico

Texas

Virginia

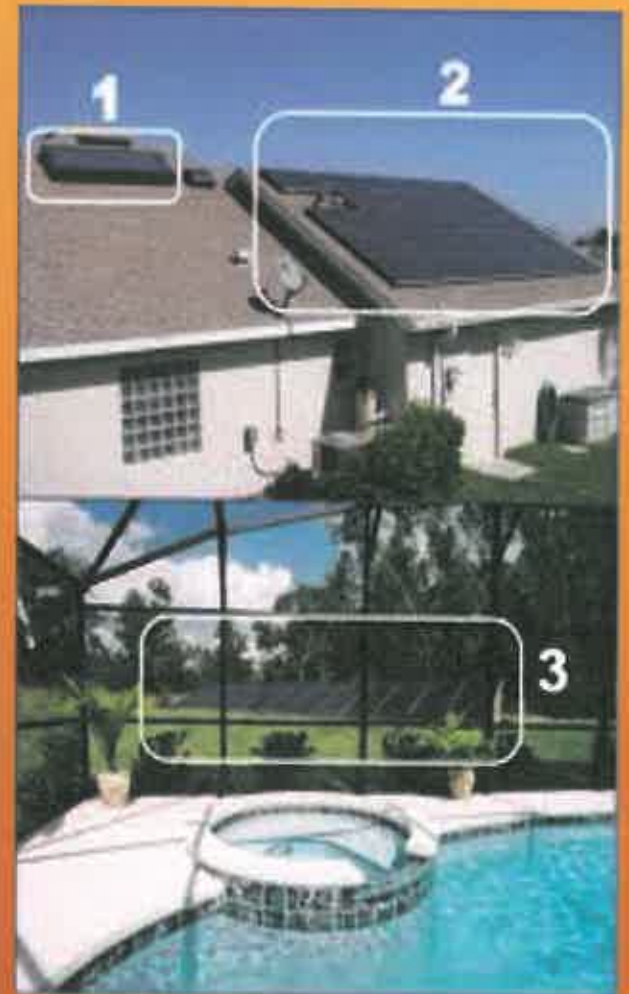
## Three trends for forcing green legislation on common interest communities:

- Mandated allowance of all devices creating energy from renewable resources.
- Specific devices permitted but certain reasonable regulations regarding placement, etc. are allowed.
- Mandated that they be permitted if documents are created after a certain year.

# Examples

## ● Florida

- ⊗ No restriction on solar collectors, clotheslines, other energy devices, except location within certain degrees of due south.
- ⊗ Substantial tax credits and rebates available, ie: up to \$20,000 Florida rebate for installing solar panels.



# Examples



## ● Colorado

- ⊗ Bars prohibiting renewable energygenerating devices **and** energy efficiency measures.
- ⊗ Energy efficiency measures include awnings, shutters, attic fans.
- ⊗ Energy efficiency measures are subject to "reasonable aesthetic provisions."

# Examples

- Hawaii
  - ⊗ No restriction on solar energy systems, clotheslines, and electric vehicle charging stations, except reasonable rules on installation.
  - ⊗ Electric vehicle charging station may be installed on limited common elements or common elements.





# Examples

- Oregon
  - ⊕ Permits renewable energy devices, such as solar panels, clotheslines, and wind turbines, subject to reasonable rules on installation.
  - ⊕ Does not apply to declarations or bylaws in effect prior to 2009.



# Discussion

- Consider the issues.
  - Get up to speed on energy renewable resources and energy efficiency measures.
    - Solar panels, clotheslines, wind turbines, electric vehicle charging stations.
    - Awnings, windows, doors, shutters, landscaping, lighting.

# Discussion

- Consider the issues.

- ⊗ How do energy renewable resources and energy efficiency measures affect your community.

- Aesthetics, costs, liability, insurance.
- Cost savings to owners, reducing fossil fuel usage.

# Discussion

- Dispel old notions.
  - The days of relying on "they knew what the restrictions were when they moved here" are over.
    - The residences and residents of the future will be different.
      - Smaller houses.
      - Energy efficient windows, building materials.
      - Electric vehicle charging stations.
      - Density in downtowns and adjacent suburbs.
      - Urban/Suburban farming and gardening.
      - Low impact landscaping.

# Who should make the decisions for our communities?

- The Community or the Legislature?

Communities!!

and

Boards and Managers should lead the discussion.

# Getting Involved

- Road to Richmond!
  - ⊗ VALAC is the only group monitoring and advocating on legislation affecting common interest communities. Follow and support the efforts of VALAC, educate your community on the efforts of VALAC.
  - ⊗ Consider inviting your legislators to a board meeting or a townhall meeting.

# Policies and Documents

- Make the easy moves first!
  - ⊗ Consider allowing “reasonable” uses: restrictive clothesline or solar panel standards, backyard gardening, low impact landscape design, updated window and siding standards.
  - ⊗ Demonstrate green initiatives already in place- energy audits, water conservation, recycling, reduced chemical use.

# Conclusion

- Best defense is a good offense.
  - ⊗ Get up to speed on energy renewable resources and energy efficiency measures.
  - ⊗ Consider impact/benefits to your community.
  - ⊗ Educate your community.
  - ⊗ Support VALAC.
  - ⊗ Reach-out to your legislators.