5. HOAs, Trees, & Historic Districts

While solar energy systems work well for most buildings and communities, historic district regulations, Home Owner Associations, or trees may pose challenges to solar development. The following resources and examples are intended to provide a starting point for discussions among local governments, HOAs, and citizens regarding effective strategies to mitigate solar conflicts and balance the interests at stake.

Historic Districts

An historic district is a group of buildings, properties, or sites that have been designated as historically or architecturally significant. Buildings, structures, objects and sites within a historic district are normally divided into two categories: a contributing property is any building, structure, or object which adds to the historical integrity or architectural qualities that make the historic district, and a non-contributing property may not have been present during the period of historical significance or may no longer possess its historic integrity. The U.S. Federal government designates historic districts through the United States Department of Interior under the auspices of the National Park Service. Federally designated historic districts are listed on the National Register of Historic Places, but this listing imposes no restrictions on what property owners may do with a designated property. State-level historic districts may follow similar criteria (no restrictions) or may require adherence to certain historic rehabilitation standards. Local historic district designation offers, by far, the most legal protection for historic properties because most land use decisions are made at the local level. Local districts are generally administered by the county or municipal government. If you are not sure if your house is in a historic district, use the Utah Department of State History Historic Building Search to find out.

Since historic districts seek to maintain the historic character of the area, building facades visible from the street tend to pose the biggest challenges for solar installations. However, the presence of a historic district should not necessarily or automatically restrict the ability of a property owner to utilize solar energy. Many communities are seeking to strike a balance between historic preservation, sustainability, and clean energy goals.

If you live in an historic district, work with your jurisdiction’s planning department to determine a location for your solar installation that does not conflict with the home's historic character. Some solar technologies, such as pole mount installations, provide more discreet options for solar energy systems.
Salt Lake City Historic District:

Salt Lake City ordinance to amend Title 21A establishes guidelines for the installation of solar on historic homes, prioritizing certain locations on the home or building to expedite the solar process. The ordinance states:

- Systems within the Historic Preservation Overlay District must obtain a Certificate of Appropriateness prior to installation

- [Systems] shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device. The system must be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.

- Systems proposed for locations 1 - 4, which are not readily visible from the public right of way, may go through a standard review process. Systems proposed for locations 5 and 6, which may be visible from a public right-of-way, require review from the Historic Landmark Commission.
  
  1. Rear yard in a location not readily visible from a public right of way.
  
  2. On accessory buildings or structures (such as sheds and garages) in a location that is not readily visible from a public right of way.
  
  3. In a side yard location not readily visible from a public right of way.
  
  4. On the principal building but in a location not readily visible from a public right of way.

Park City Historic District:

Park City’s Design Guidelines for Historic Districts allow for "new roof features," like PV solar panels, as long as they are "visually minimized when viewed from the primary public right-of-way" and flush-mounted on the roof.

The Marsac building, Park City’s city hall, was built in 1936 under the New Deal. In 2010 the building received a makeover that included the installation of an 18 kilowatt solar PV system.
HOA Communities

Solar panels offer homeowners an opportunity to improve their property value, shorten resale time, save money on utility bills, and provide important environmental benefits. Despite these desirable impacts, some homeowners encounter challenges and delays when installing solar panels in a HOA community. HOAs that educate themselves about the basics of solar are best equipped to create solar policies that protect the rights of all residents.

If you are a homeowner interested in solar and living with an HOA, here are some suggestions to help you get started:

- Work with your Solar Contractor – it is likely they've had experience working with HOAs and can assist you through the process.
- Check to see whether your HOA covenant mentions solar systems directly or if the rules apply indirectly (by forbidding rooftop objects).
- If solar systems are explicitly banned, homeowners may be able to obtain a waiver by demonstrating that certain restrictions are unreasonable (i.e. restrictions will cause the panels to lose efficiency by positioning them out of public view, and out of optimal sunlight).
- Help your HOA understand solar – provide them with answers to Frequently Asked Questions about Solar and HOAs.
- Consider more discreet technologies like solar shingles, thin film solar, or pole-mount or ground-mount solar in lieu of roof-mount solar.

Solar Access Laws

In response to a growing number of conflicts between HOAs and homeowners seeking to install solar energy, some states—about two dozen—have enacted firm laws to limit HOAs' authority to ban solar panels.

- In Texas, no HOA can prohibit homeowners from installing solar energy systems on their rooftops, fenced-in yards or patios.
- Colorado HOAs can enforce "architectural guidelines" that can restrict the placement or appearance of solar panels. However, these aesthetic provisions may not result in a significant cost increase for the resident, nor can they hinder the solar system's efficiency.
- California's Solar Rights Act of 1978 prohibits HOAs from interfering with the installation of residential solar panels, although the law does allow for "reasonable restrictions" on solar energy systems.
- Utah's Solar Access Law grants local governments the authority to enact provisions that prohibit HOAs and other entities from restricting solar – however, few local governments have enacted said provisions.
- The Database of State Incentives for Renewables and Efficiency maintains a comprehensive list of Solar Access Laws and Zoning Rules.
Solar & Trees

Trees provide **vital economic, environmental and social benefits**, however even a small shadow from a tree can have a disproportionately negative effect on the efficiency of a solar panel. When a homeowner installs solar on their property, their economic return depends on receiving uninterrupted access to sunlight for the entire lifetime of the panels. To make the issue even more complicated, smaller trees that were not an issue when the system was installed can grow to tower over the panels, and shade from a tree on one homeowner’s property can interrupt solar access on another.

Although trees can be problematic for solar, shade from trees also has energy saving benefits: properly located trees can keep a building cool during the day and cut energy costs. Ideally, the pursuit of solar energy systems should not come at the expense of trees. In many cases, regular pruning can alleviate shading problems. When new building lots are developed, solar-friendly landscaping locates trees where they will not shade south-facing space that is optimal for solar. Solar access laws protect a homeowner’s right to access the sunlight that falls on their property, and can help mitigate and avoid conflicts between neighbors over trees and shading. In Salt Lake County, the **Solar Simplified Map** allows you to identify locations that are shaded during the day in order to locate your panels where you can optimize your solar resource.

**Solar Codes that Address Trees and Solar:**

Several cities have implemented codes that seek to address potential conflict between trees and solar access.

- **Ashland, Oregon §18.70**
- **Madison, Wisconsin §16.23(8)(a)**
- **Sunrise, Florida §16-130, §16-172, §16-277**
- **Greenwich, New Jersey Ordinance No. 17-2011**
The Wasatch Solar Challenge is a diverse partnership of local governments and local non-profit organizations working collaboratively to create a widespread, “solar-friendly” environment that enables increased adoption of residential and commercial solar PV. Through workshops, trainings, and peer-to-peer exchange forums, partners collaborated to identify workable best practices for solar permitting, inspections, interconnection, zoning, and financing.