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If You Only Read One Article About Community Associations and Solar Panels, Read this One.

By Seth Amkraut, Esq.

With its never ending sunshine and our nation's collective desire to reduce greenhouse gas emissions, it is little surprise residents in our "Sunshine State" are eager to install solar panels. Unfortunately, solar panel designers did not consider engineering solar panels that match the aesthetics of a home or community. Often times, these "ugly" solar panels result in misguided efforts by community associations to strictly regulate or ban them outright.

Florida law guarantees owners the right to install solar panels on their roofs and community associations are not allowed to ban them. Therefore, trying to enforce either strict rules or an outright solar panel ban invites an expensive lawsuit the association has little chance of winning.

Although outright bans are unenforceable, community associations do have some authority to regulate solar panels. In fact, as long as a community association restriction does not impair the effectiveness of solar panels the restriction will be enforceable. One such restriction often implemented by Florida's community associations is requiring solar panels to have a southward orientation or within 45 degrees of due south.

In addition to the above, community associations are allowed to conduct due diligence and require documents from owners such as: proof of the contractor's license and insurance, images or diagrams showing the proposed location and orientation of the solar panels. Additionally, although your community associations may be obligated to repair and maintain your owners' roofs, owners can be required to maintain and repair their solar panels (as well as any damages they cause to a roof).

Every community association is different and drafting legally compliant solar panel rules is difficult. Therefore, the best way to get started is to speak with your community association's attorney. Gerstin & Associates can assist your community with drafting a solar panel policy to allow for maximum regulation without running afoul of Florida and federal law. Contact our office today for a free consultation.



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