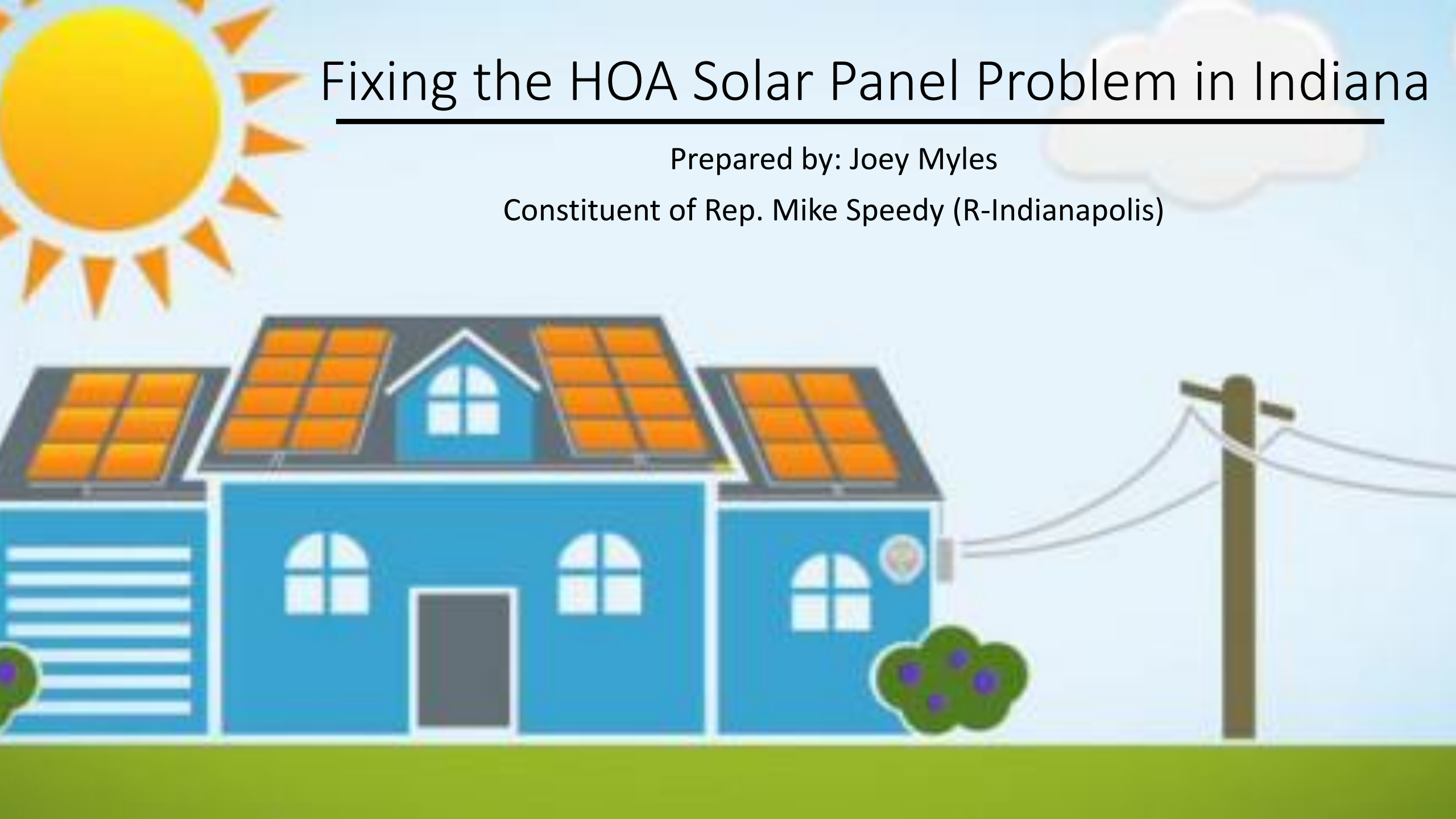
Fixing the HOA Solar Panel Problem in Indiana

Prepared by: Joey Myles

Constituent of Rep. Mike Speedy (R-Indianapolis)



What is the HOA Solar Problem?

2 Types of HOA Restrictions on Solar Panels:

1. Absolute Prohibitions
2. Unreasonable Restrictions on Placement
   - No street-facing, back of home, etc.

Solar photovoltaic (PV) panels

Why do HOAs restrict solar panels?

1. Aesthetics – the perception that solar panels are ugly
2. Want to maintain uniformity and consistency among all homes
3. Often prefer solar shingles (not yet cost-effective/ROI of 30+ years, unproven, and unavailable in Indiana)
4. Fear of the unknown; not enough education on the issue; allowing <u>this</u> will lead to <u>that</u>, etc.

Many HOA covenants still refer to “solar heat panels,” an obsolete technology from the 1980s

Solar heat panels

How Big is This Problem in Indiana?

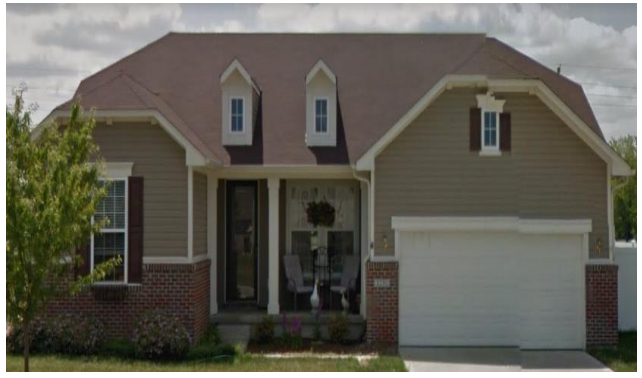
While statewide information is difficult to capture, here is a snapshot of the HOA solar restrictions in central Indiana alone:

County	Subject to Architectural Review Committee	Absolute Prohibition	Roof Prohibition (full or partial)	Total
Marion	51	34	64	**149**
Hamilton	40	51	20	**111**
Hendricks	12	24	18	**54**
Johnson	30	10	6	**46**
Hancock	2	5	1	**8**
Boone	0	3	4	**7**
Morgan	3	2	0	**5**
Shelby	0	1	0	**1**
Total	**138**	**130**	**113**	**381**

This Affects Real People in Indiana

Name: Dustin Holt
Resides: Franklin Township, Indianapolis
Type of HOA Solar Restriction:
Absolute Prohibition

Name: Matt Milharcic
Resides: Avon
Type of HOA Solar Restriction:
Absolute Prohibition



Name: Joey Myles
Resides: Franklin Township, Indianapolis
Type of HOA Solar Restriction:
Unreasonable Restrictions on Placement

Forced to install north-facing panels due to south being street view (thus losing 52% output)

Drawings of optimal installation on Joey's home

What Are Reasonable Standards?

- Avoid street view unless this would decrease efficiency more than 10-15%
- Mounted parallel to the roof plane
- Stand-off distance from the roof decking/shingles is reasonably minimized
- Top edge of the panel does not extend above the peak of the roof
- Surface of the panel is non-glare
- Trim on the edges of the panels (if any) matches the panel
- Visibility of any plumbing, wiring, and/or other auxiliary equipment not part of the energy production, is reasonably minimized, or if visible, painted to match roof color

Solar installers already adhere to these requirements!

Progress Made in 2017 and 2018

- 2017 Senate Bill 500: Passed Indiana Senate 31-17
- 2018 Senate Bill 207: Passed Indiana Senate 36-12
- Both bills died due to not receiving hearing in House Judiciary Committee

Sen. Aaron Freeman
(R-Indianapolis)

2019 – House Bill (HB 1331)

Rep. Mike Speedy
(R-Indianapolis)
Author

Rep. Jerry Torr
(R-Carmel)
Co-Author

Rep. Matt Pierce
(D-Bloomington)
Co-Author

Rep. Carey Hamilton
(D-Indianapolis)
Co-Author

Senate Roll Calls in 2017 and 2018

Senate

First Regular Session | 120th General Assembly | Feb 16, 2017 2:34:57 PM

Roll Call 133: Bill Passed

SB 500 - Freeman - 3rd Reading
Homeowner associations and solar power

Yea	31
Nay	17
Excused	1
Not Voting	1

Presiding: President

Yea - 31

Alting	Ford	Long	Sandlin
Becker	Freeman	Melton	Smith
Breaux	Grooms	Merritt	Stoops
Brown	Head	Mishler	Tallian
Buck	Holdman	Mrvan	Taylor
Charbonneau	Kruse	Niezgodski	Tomes
Crider	Lanane	Randolph	Walker
Delph	Leising	Ruckelshaus	

Nay - 17

Bassler	Doriot	Messmer	Zakas
Bohacek	Glick	Niemeyer	Zay
Boots	Hershman	Perfect	
Bray	Houchin	Raatz	
Crane	Koch	Young	

Excused - 1

Eckerty

Not Voting - 1

Kenley

Senate

Second Regular Session | 120th General Assembly | Feb 05, 2018 4:11:25 PM

Roll Call 131: Bill Passed

SB 207 - Freeman - 3rd Reading
Homeowners associations and solar power

Yea	36
Nay	12
Excused	1
Not Voting	0

Presiding: President

Yea - 36

Alting	Delph	Lanane	Raatz
Becker	Eckerty	Leising	Ruckelshaus
Bohacek	Ford	Melton	Sandlin
Breaux	Freeman	Merritt	Smith
Brown	Glick	Messmer	Stoops
Buck	Grooms	Mishler	Tallian
Charbonneau	Head	Mrvan	Taylor
Crane	Holdman	Niemeyer	Tomes
Crider	Kruse	Niezgodski	Zay

Nay - 12

Bassler	Doriot	Long	Walker
Boots	Houchin	Perfect	Young
Bray	Koch	Spartz	Zakas

Excused - 1

Randolph

Not Voting - 0

What Does HB 1331 Say?

- Bars HOAs from imposing absolute prohibitions on solar panels in HOA governing documents that are enacted or amended after July 1, 2019
- Incorporates several of the previously mentioned standards, including:
    a. "Unreasonable limitation" – inhibiting the solar energy system from functioning at its intended maximum efficiency
    b. Panels must be installed no more than 4 inches above or beyond the roof line and be parallel to roof slope
    c. Auxiliary equipment (piping, wiring, etc.) must be silver, bronze, or black

- Full text of HB 1331: http://iga.in.gov/legislative/2019/bills/house/1331#document-9ab729d8

Significant Media Attention in 2018

(links to these articles are on the next slide)

Pump up your points!

Women in Indy, around US march to drive home unrest

THE SUNDAY STAR

IndyStar.

Trump, Pence make first year bountiful for religious right

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'Old Book' serves as guide for vice president

HOA rules raining on solar parade

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Home » Bill prohibiting neighborhood bans on solar panels stalls

Bill prohibiting neighborhood bans on solar panels stalls

March 7, 2018 | Olivia Covington

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PRINT

RELATED NEWS AND OPINION

Indiana lawmakers advance bill to ban eyeball tattooing
February 26, 2018

As Indianapolis resident Joey Myles was building his "forever home" on the south side, there was one feature he wanted: solar roof panels.

He hired a solar panel contractor, drew up the plans and invested the money. All that was left was getting approval from his homeowners association's architectural review

March 7, 2018
The Indiana Lawyer

Solar Power World

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Solar does work within HOAs, but installers have to stay vigilant

By Kelly Pickerel | August 13, 2018

According to the resource website HOA-USA, there are over 351,000 homeowner associations (HOAs) in the United States, representing over 40 million households or 53% of owner-occupied households. That means the large majority of residential solar installers have had to deal with HOA rules concerning solar on certain homes.

And boy, do those rules vary. Only about half of the 50 states have laws preventing HOAs from denying solar applications for aesthetic reasons. How a HOA will react to solar requests in the other states is a toss-up.

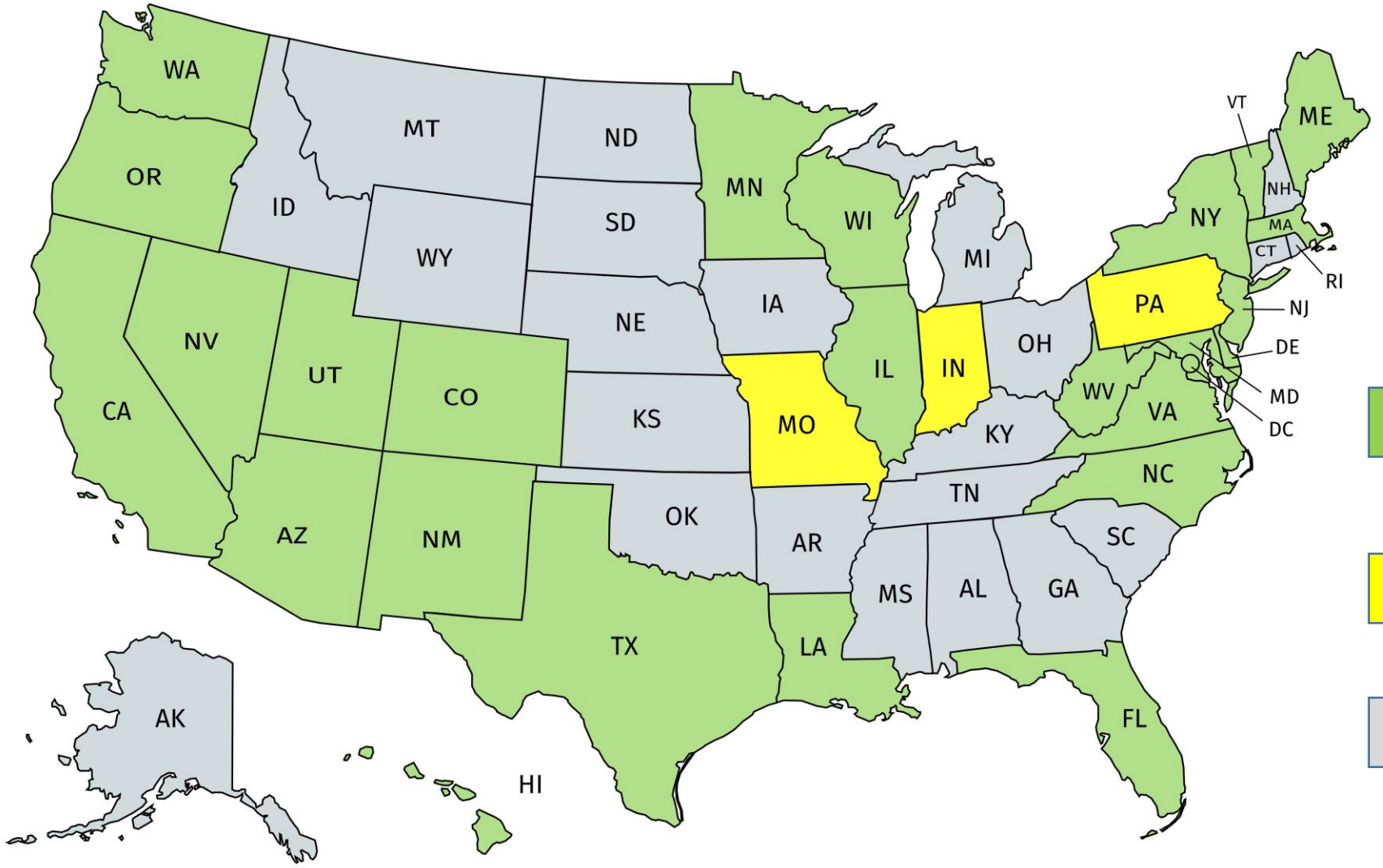
HOAs are organizations in neighborhoods that make and enforce rules for the houses or condominiums within their jurisdiction. Those living within these established communities pay fees that go toward having

August 13, 2018
Solar Power World

Links to Media Articles

- https://www.indystar.com/story/news/2018/01/18/hoas-rain-homeowners-solar-parade-residents-property-rights/1024741001/
- https://www.theindianalawyer.com/articles/46347-sunshine-another-day
- https://www.solarpowerworldonline.com/2018/08/solar-hoa/

At least 25 States and D.C. Already Have This Law!



States with enacted HOA solar laws

States with introduced legislation but no law yet

States with no introduced legislation yet

Additionally, an effort to fix this at the federal level was made in 2009 (House Resolution 2454, section 209) but the legislation did not receive a vote.

Why This Legislation is Important for Indiana

1. Energy freedom and choice; less reliance on the grid
2. The ability to take personal responsibility for one's own energy future
3. Economically:
    a. Purchasing a solar energy system allows you to hedge future increases in electric utility costs
    b. Filing the solar panel property tax exemption prevents your solar panels from increasing your assessed value
4. Provides a check and balance on power of HOAs

Contact Information If You Have Questions

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