

Fixing the HOA Solar Panel Problem in Indiana

Presenter: Joey Myles

Indianapolis, IN

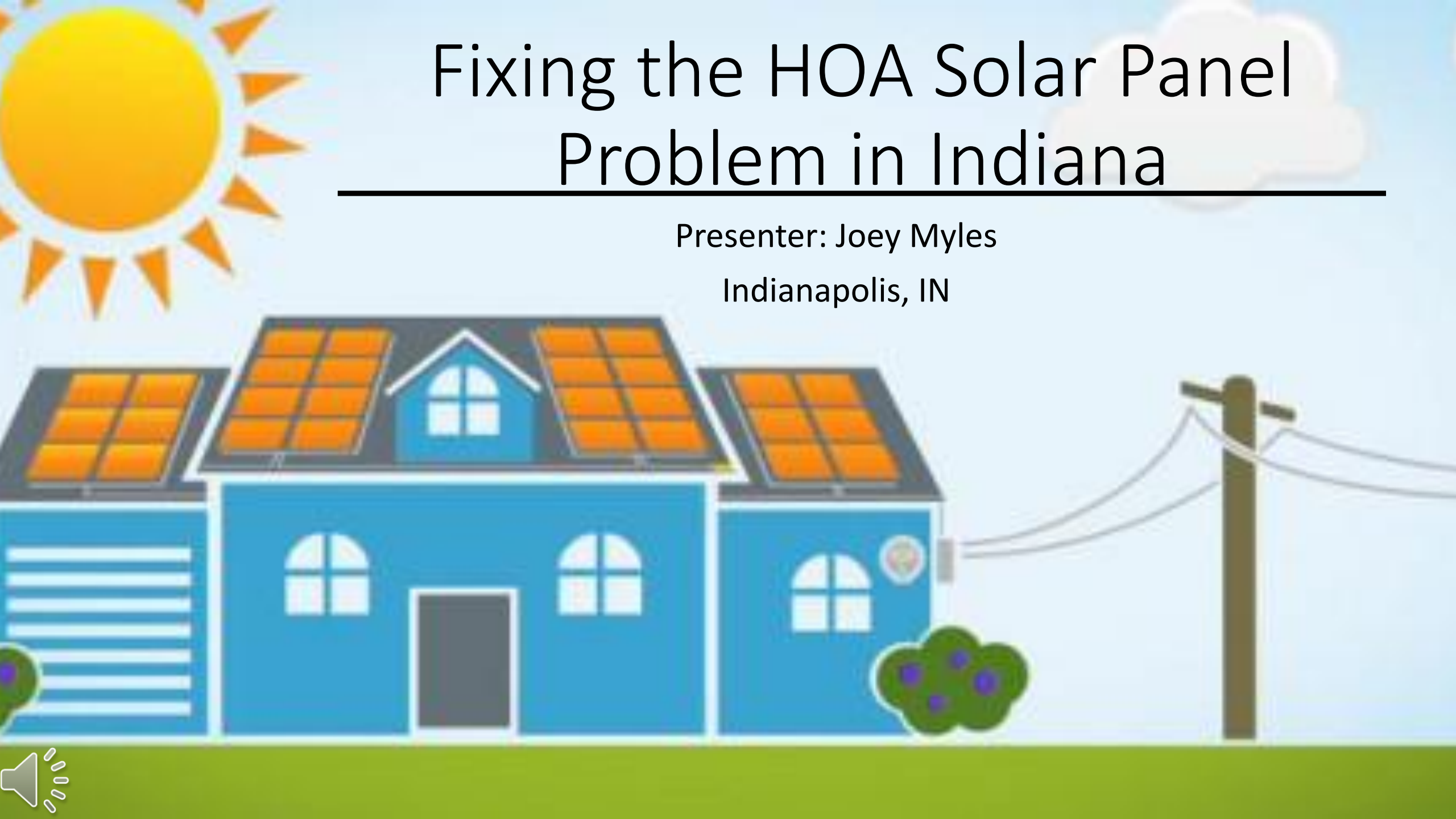


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Homeowner Stories

- **Dustin Holt**

- Homeowner in Franklin Township, Indianapolis
- Wanted to install solar panels but HOA has a total prohibition on solar



Dustin Holt



Dustin's home

- **Gary Wiggins**

- Homeowner in Bloomington
- Also faced a total solar prohibition with his HOA
- Elected to his HOA Board and is trying to get covenants changed



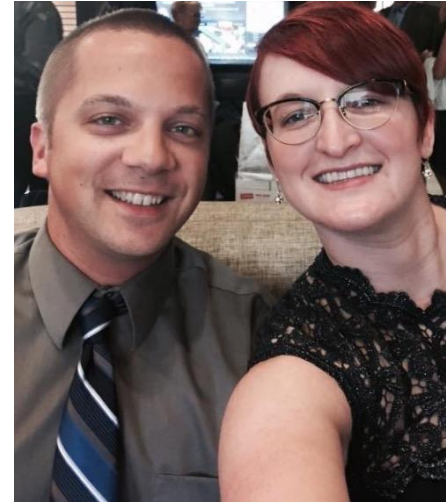
Gary Wiggins and his wife in front of their home



Homeowner Stories (cont'd)

• Joey Myles

- Homeowner in Franklin Township, Indianapolis
- HOA covenants allow solar panels but require approval from Architectural Control Committee (ACC), which is part of HOA Board
- First homeowner in neighborhood to ask to install solar panels
- HOA Board opposed street-facing panels (south in my case), citing perceived aesthetics; approved north panel installation
- Neighbors are overwhelmingly supportive
- Optimal orientation (south and west) would produce 52% more energy



Joey Myles with his wife Sarah



Joey and Sarah's home (south-facing)



Drawings of optimal installation on Joey and Sarah's home

The Two Types of HOA Restrictions on Solar



1. Total and Absolute Prohibition

- Many HOAs will not allow solar panel systems whatsoever (Dustin and Gary examples)

2. Unreasonable Restrictions by HOA Architectural Review Committees

- No specific, objective criteria
 - Example: Joey's HOA covenants contain only 1 vague sentence on solar panels - "Solar panel installation shall be allowed only when the location, type, and size have been approved by the Committee."
- Roof prohibitions and demands on keeping solar panels "out of view"

Both restrictions are rooted in the same themes: concern over property values and aesthetics, even though studies have shown that solar panels increase property values and that people who see solar will then want to GO solar.



Extent of HOA Solar Panel Problem in Central Indiana

(analysis as of 02/02/2017)

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



Senate Bill (SB) 500 from 2017 Session of Indiana General Assembly (IGA)



Sen. Freeman



Sen. Kruse



Sen. Becker



Sen. Delph



Sen. Taylor



Rep. Speedy



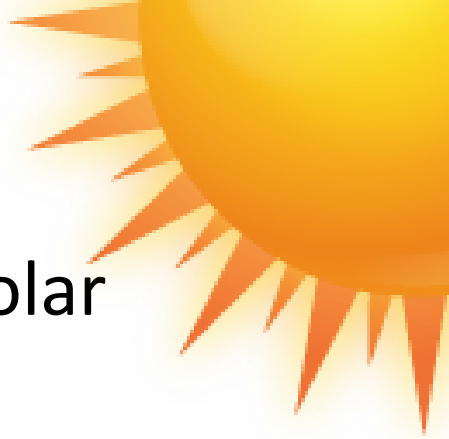
Authors	Sen. Aaron Freeman (R-Indianapolis) Sen. Dennis Kruse (R-Auburn) Sen. Vaneta Becker (R-Evansville)
Co-Authors	Sen. Mike Delph (R-Carmel) Sen. Greg Taylor (D-Indianapolis)
House Sponsor	Rep. Mike Speedy (R-Indianapolis)

**6 outstanding
state legislators!**

- Based off existing Texas law 
- Similar laws also exist in California, Colorado, New York, and Oregon



SB 500 from 2017 Session of IGA (cont'd)



- SB 500 stated HOAs cannot prohibit or restrict installation of solar energy devices, except in certain cases, which included:
 - a. being located on property owned or maintained by the HOA;
 - b. being located on your roof in an area not approved by the HOA, unless the approved location significantly increases cost or significantly decreases efficiency,
 - c. being located in a fenced yard or patio, when taller than the fence line;
 - d. interfering with use and enjoyment of land by causing unreasonable discomfort or annoyance to a reasonable person
- The full text of SB 500 can be found at <https://iga.in.gov/static-documents/5/2/9/b/529b7684/SB0500.04.ENG.S.pdf>



Result of SB 500 in the Indiana Senate

- ✓ Passed 5-2 out of the Senate Civil Law Committee on January 17, 2017
- ✓ Passed 31-17 out of the full Indiana Senate on February 16, 2017 (vote tally below). If your Indiana State Senator voted for SB 500, please say “**thank you**” and ask for their support again in 2018. If they voted against SB 500, please talk with them and let’s see if we can change their mind.

SB 500 | 3rd Reading | Author: Aaron Freeman
Homeowner associations and solar power

Y Alting	N Glick	N Niemeyer
N Bassler	Y Grooms	Y Niezgodski
Y Becker	Y Head	N Perfect
N Bohacek	N Hershman	N Raatz
N Boots	Y Holdman	Y Randolph
N Bray	N Houchin	Y Ruckelshaus
Y Breaux	Kenley	Y Sandlin
Y Brown	N Koch	Y Smith
Y Buck	Y Kruse	Y Stoops
Y Charbonneau	Y Lanane	Y Tallian
N Crane	Y Leising	Y Taylor
Y Crider	Y Long	Y Tomes
Y Delph	Y Melton	Y Walker
N Doriot	Y Merritt	N Young
E Eckerty	N Messmer	N Zakas
Y Ford	Y Mishler	N Zay
Y Freeman	Y Mrvan	

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Bill Passed

Yea: **31** Nay: **17** Not Voting: **1**
Excused: **1**

SB 500 Stalled in the Indiana House



- After passing the full Indiana Senate, SB 500 did not receive a hearing in the Indiana House Judiciary Committee so it did not advance.
- The members of the Indiana House Judiciary Committee are:

<i>Committee Chair:</i> Rep. Greg Steuerwald (R-Danville) <i>Committee Vice Chair:</i> Rep. Wendy McNamara (R-Evansville)	
Rep. Woody Burton (R-Whiteland) Rep. Karen Engleman (R-Georgetown) Rep. Dan Leonard (R-Huntington) Rep. Chris May (R-Bedford)	Rep. Jerry Torr (R-Carmel) Rep. Tom Washburne (R-Evansville) Rep. John Young (R-Franklin)
<i>Ranking Minority Member:</i> Rep. Pat Bauer (D-South Bend)	
Rep. Ed Delaney (D-Indianapolis) Rep. Ryan Dvorak (D-South Bend)	Rep. Ryan Hatfield (D-Evansville)

- Sen. Aaron Freeman has offered to re-introduce the bill in the Senate in January 2018. As of September 2017, we are deciding whether it is best to have the bill introduced in the Senate, House, or both chambers at the same time.



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 and How to Join the Campaign



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To join the campaign, please visit
<http://www.indianadg.net/join-indianadg/> or contact Laura
Arnold.



IndianaDG

Working to promote renewable energy and distributed generation



Questions for Audience

1. Do you want to install solar but your HOA has a solar prohibition?
 - Follow our step-by-step guide for determining your HOA's restriction:
<http://www.indianadg.net/find-your-hoa-solar-restrictions/>
2. Do you know someone else having this problem?
3. You don't live in an HOA but you are supportive of this common sense change?

If the answer is “yes” to any of the above questions, we need your help in this campaign.

Next Steps

1. Join IndianaDG today
2. Contact your State Representative and Senator, tell them you support removing HOA restrictions on solar in Indiana, and most importantly – *you want them to join as a co-author to the bill once it is re-introduced in January during the 2018 session*



WE WANT YOU
TO HELP US REMOVE HOA
RESTRICTIONS ON SOLAR!

