

Proponent Testimony of David Carpenter on Ohio Senate Bill 61

Ohio House Civil Justice Committee

March 8, 2022

Chair Hillyer, Ranking Member Galonski, and members of the Civil Justice Committee, thank you for the opportunity to offer proponent testimony on Senate Bill 61 (SB 61).

My name is David Carpenter and I live in Delaware, Ohio. I am a solar home owner and advocate for solar energy who derives no personal financial benefit from that advocacy (other than a rare small referral reward from an installer). I am testifying because residential solar is a good thing. It provides clean energy, Ohio jobs and economic opportunities. Lots of smaller energy producers make our energy grid more resilient against natural disasters, terrorism and even war. Rooftop solar energy makes the future more hopeful and secure for me, for my family and for my community.

Regulations should not prevent us, as individuals or as a community, from solving our mutual problems or from stepping into a better future. HOAs and UOAs exist, in part, to prevent one neighbor from diminishing the property value of another. Restricting solar is therefore a relic of the past, as solar increases property values.

SB61 correctly delineates the freedom home owners should have when they are the ones responsible for maintaining the outside of the home. It also correctly prohibits those homeowners for passing on their responsibilities and costs to their UOAs when the community has the responsibility for structural maintenance.

However, I would recommend two changes to the solar section language:

- 1) I would eliminate the conditional statements on lines 698 and 1072 “Unless specifically prohibited in the declaration.”

This appears to me to be a loophole that will unnecessarily reduce the efficacy of this legislation. I have encountered HOA language in declarations that categorically prohibit solar panels. This language becomes nearly impossible for the current membership of the HOAs to change, in part, because typical participation in HOA’s annual meetings, etc., is often well below the necessary quorums or voting majorities required to make ANY productive changes.

- 2) On lines 1085 to 1087, I recommend restricting the jurisdictional domain of the HOA with regard to the “size, placement, and manner of placement” to curb-facing roof segments only.

Solar panels on the back of a house have little effect on the aesthetics of the home. I believe homeowners should not be required to seek approval for placing solar panels on their back roofs. This will eliminate unnecessary red tape when it isn’t needed, and thus make it faster

and cheaper to install solar. Solar panels are not effective on the north side of a roof because they always face away from the sun. So to be effective, it is sometimes necessary for solar panels to be placed on the front of a south-facing home. It is reasonable for the HOA to have a voice in the style and placement of these curb-facing panels.

I believe that people who have invested in their own house or condo should have as much freedom as is both possible and reasonable to put solar on their own homes. That is why, with these improvement modifications, I support the passage of the solar relevant portions of SB61.