



OEC [Action Fund]

**Proponent Testimony - Ohio Senate Bill 61 (Blessing/Antonio)
Senate Local Government and Elections Committee
Miranda Leppla, VP of Energy Policy
March 31, 2021**

Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath, and members of the Senate Local Government and Elections Committee, my name is Miranda Leppla and I am the Vice President of Energy Policy for the Ohio Environmental Council (OEC) Action Fund. The OEC Action Fund works to protect and enhance the environment and the health of all Ohio communities by advancing critical policy priorities. Thank you for the opportunity to submit written testimony in support of Ohio Senate Bill 61 (SB 61).

We appreciate Senator Blessing's diligent and continued work on this piece of legislation that grew from being focused solely on allowing rooftop solar, to a more comprehensive planned communities bill that brought stakeholders together to work toward supporting the bill. We also welcome the addition of Sen. Antonio as a joint co-sponsor. Through their work, the previous version of this legislation, SB 289 from the 133rd General Assembly, had no opposition testimony and passed unanimously from both the Senate General Government and Agency Review Committee and Senate floor.

The OEC Action Fund has members living in condominiums and planned communities who care deeply about living in a community that values sustainable practices to ensure clean air and clean water for its residents, and who also care deeply about their community's history, aesthetics and unique character. The OEC Action Fund is a proponent of SB 61's provisions that generally allow for solar energy collection devices in these communities. The bill, as written, strikes a balance between preserving the character of planned communities while also enabling residents to make clean energy choices on their private property.

The benefits of rooftop solar are many. Individuals that install systems begin seeing a reduction in their electricity bills immediately, and the payback period has continued to decrease thanks to incentives and increased demand, making installation of solar an even smarter investment. Additionally, studies¹ have found that property values increase when

¹ For example, Berkeley Lab Study on Home Values: <https://newscenter.lbl.gov/2015/11/12/premium-for-solar-homes/> & 2019 Zillow analysis of homes sold: <https://www.zillow.com/research/solar-panels-house-sell-more-23798/>

solar is installed on homes, making it a savvy economic investment. Solar installation also reduces reliance on foreign sources of energy, making us more energy independent. As a result, rooftop solar customers are insulated from the price fluctuations normally faced by utility customers as well.

Unfortunately, many Ohioans are unable to take advantage of these benefits as they live in condominiums or planned communities that either prohibit or set unreasonable restrictions to prevent residents from installing solar on their own property. As a result, these Ohio property owners have been denied the opportunity to reduce and control their energy costs. SB 61 addresses this denial by stating that, “[u]nless specifically prohibited in the declaration, any owner of a solar appropriate unit may install a solar energy collection device on the roof...”. The bill also preserves the rights of the condominium association or planned community to establish reasonable restrictions concerning the size, place, and manner of placement of solar panels on association members’ properties (Sec. 5311.192). While the OEC Action Fund appreciates this balance, the bill could be further strengthened by changing “reasonable restrictions” to “quantified restrictions.” Examples of “quantified restrictions” can be found in several states’ solar access laws, including Utah and Virginia that prohibit restrictions that would either increase the cost of a solar energy collection device by a certain percentage or would reduce the solar production capability of a device by a certain percentage, or both. Utah² prohibits restrictions that would decrease solar production by 5%, or increase installation cost by 5%. Under Virginia³ law, a restriction is unreasonable if it decreases the efficiency or specified performance of the proposed solar energy collection device by more than 10%, or increases the cost of the device by more than \$1,000. OEC Action Fund recommends adopting a similar set of “quantified restrictions” in order to ensure home owners have a clear understanding of how to design systems that will be approved and permitted to be installed.

Again, thank you for the opportunity to provide proponent testimony for SB 61. We look forward to working with the bill sponsors and Committee members to ensure we strike a balance between condominium association and planned communities governing regulations and residents’ rights to place clean energy on their properties.

² Utah SB 154 Solar Access Amendments - <https://le.utah.gov/~2017/bills/static/SB0154.html>

³ Virginia Covenants Regarding Solar Power - <https://law.lis.virginia.gov/vacode/title67/chapter7/section67-701/>