

SENATE INTRODUCES CLIMATE CHANGE LEGISLATION; HOUSE SOLAR MANDATE NOT INCLUDED

CAI has been successful in ensuring that there is no provision mandating a federal “one-size-fits-all” standard controlling the installation and maintenance of solar energy devices in homeowner associations in newly introduced legislation. On Sept. 30, Senators Barbara Boxer (D-CA) and John Kerry (D-MA) introduced global climate change legislation that excluded provisions preempting homeowner association covenants and rules governing solar panels. The decision to exclude the House-passed solar panel language protects the principle of local control in common-interest communities.

The Senate Acts

The introduction of SB 1733, the Clean Energy, Jobs, and American Power Act, marks the start of this debate in the Senate. To follow the progress of this legislation, go to <http://thomas.loc.gov/> and search S 1733 under the **Search Bill Summary & Status** box.

Anticipating Senate legislation, CAI leadership and members considered opportunities to promote thoughtful environmental stewardship. CAI launched an aggressive education campaign (see CAI statement below) for key senators and legislative staff about solar access laws that, currently in effect in 35 states, would be overturned by the creation of a federal standard. CAI’s work to preserve existing state solar access laws was successful in the Senate when language governing solar panel installation and maintenance was not included in SB 1733. However, it is important to remember that provisions can be added or deleted during conference committee deliberations to reach agreement on a single, final bill. Should they take place, these discussions would include Senate and House members.

The House Addressed Climate Change Via a Federal Standard

Earlier this year, the House of Representatives began the debate on climate change by approving H.R. 2454, the American Clean Energy and Security Act, by a vote of 219 to 212. Unlike the Senate bill, this measure included global climate change legislation that created a federal standard governing the installation and maintenance of solar panels in homeowner associations. For background on this legislation, see Climate Bill to Override Association Covenants in the [Heads-Up](#) section of the CAI website.

H.R. 2454 undermined the successful model of cooperation on environmental issues by preempting all state laws, homeowner association covenants, rules and bylaws and private lease agreements governing the installation and maintenance of solar energy devices.

Next Steps

CAI will continue to monitor both H.R. 2454 and SB 1733 as debate continues, and will support federal actions that promote cooperation as neighbors work to improve energy efficiency and environmental stewardship in their communities.

From CAI Statement, *Green Issues in Community Associations*

CAI supports thoughtful environmental stewardship. That's why CAI's affiliate, the Foundation for Community Association Research, worked with the U.S. Department of Energy on a best practices report pertaining to energy efficiency (www.cairf.org/research/bpefficiency.pdf).

At the same time, we believe homeowners in each association should decide the rules under which they choose to live. Specific policies, including those pertaining to energy-saving measures such as clotheslines and solar panels, should be determined by each community association board—the homeowner volunteers who have been elected by their neighbors to serve the best interests of their community.

There are many steps communities can and do take to support a more sustainable future. The most effective way to address environmental issues is to identify and define different approaches and let homeowners in each community make informed decisions on policies that meet their needs and preferences. Such efforts provide sustainable, consensus-driven decisions that reflect the values of the community.

For the full text of this statement, go to: http://www.caionline.org/about/press/MediaStatements/statement_green.doc.