

VERMONT NEW ENERGY LAW INCLUDES CLOTHESLINES UNDER “RENEWABLE ENERGY DEVICES”

Vermont House Bill [446](#), relating to renewable energy and energy efficiency, became law on May 27, 2009 without Governor Jim Douglas’s signature. See the Governor’s [message](#), *Governor Douglas Allows H.446 to Become Law without His Signature*, under “Recent News.”

Of Particular Note to Community Associations: Solar Collectors, Clotheslines, Etc.

- ❖ Voluntary Energy Conservation (Sec. 15b. 24 V.S.A. §2291a) covers renewable energy devices:

Notwithstanding any provision of law to the contrary, no municipality, by ordinance, resolution, or other enactment, shall prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

- ❖ Sec. 15c. 24 V.S.A. §4413(g) reads:

(g) Notwithstanding any provision of law to the contrary, a bylaw adopted under this chapter shall not prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources.

- ❖ Sec. 15d. 27 V.S.A. §544 concerns energy devices based on renewable resources:

(a) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install solar collectors or other energy devices based on renewable resources by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings. For purposes of this subsection, that entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45° east or west of due south, provided that this determination does not impair the effective operation of the solar collectors.

(b) In any litigation arising under the provisions of this section, the prevailing party shall be entitled to costs and reasonable attorney’s fees.

(c) The legislative intent in enacting this section is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing measures which will have the ultimate effect, whether or not intended, of driving the costs of owning and operating commercial or residential property beyond

the capacity of private owners to maintain. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

Other Provisions of This Vermont Energy Act of 2009

- The creation of the Vermont Clean Energy Development Fund (§6523) promotes the development and deployment of cost-effective and environmentally sustainable electric power and thermal energy or geothermal resources, for the long-term benefit of Vermont consumers, primarily with respect to renewable energy resources, and the use of combined heat and power technologies.
- The establishment of Building Energy Standards (Sec. 11. 21 V.S.A.§266) is for:
 - (2) “Residential buildings” means one family dwellings, two family dwellings, and multi-family housing three stories or less in height. “Residential buildings” shall not include hunting camps.
 - (c) ... No later than January 1, 2011, the commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC [International Energy Conservation Code of the International Code Council]. These amendments shall be effective on final adoption.
- The establishment of Commercial Building Energy Standards (Sec. 12. 21 V.S.A.§268) is outlined.
- The creation of the Vermont Village Green Renewable Pilot Program (Sec. 15) seeks, among other things, to establish incentives for communities to host energy generation that is renewable and efficiently utilized and that provides heat and potentially power to groups of commercial, industrial, or residential uses, or combinations of such uses, within the community.

§8102, dealing with incentives and customer connections, states: Notwithstanding any other provision of law, the clean energy development fund created under 10 V.S.A.§6523 shall provide at least \$100,000.00 in incentives to customers who will connect to a certified Vermont village green renewable project. Any such incentive shall be applied by the customer to the cost of constructing the customer’s connection to the project.

Effective Dates

This act shall take effect upon passage with the following exceptions:

- (1) Secs. 9 and 9a (relating to business solar energy tax credits) shall apply to credits related to investments made on or after January 1, 2009; and
- (2) Sec. 9b (relating to the repeal of the 76-percent portion of the business solar energy tax credit) shall apply to credits related to investments made on or after January 1, 2011.