



Oregon

Kate Brown, Governor

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Some home owners have raised questions about Home Owners Associations (HOAs) prohibiting homeowners from installing solar on their homes. This has not been a very common problem in Oregon as most HOAs promote solar energy because modern solar installations look clean and professional and property values rise as a result of the systems.

A guide published by the U.S. Department of Energy Office of Energy Efficiency and Renewable Energy (EERE) confirms that solar homes have higher appreciation rates. According to the study homes with solar energy systems experience faster home sales and faster appreciation rates when compared to non-solar homes in the same neighborhood. This study can be found on the US Department of Energy Web site at: <http://www1.eere.energy.gov/solar/pdfs/43076.pdf>.

Pursuant to ORS 469.010 (2)(a) it is "the policy of Oregon that development and use of a diverse array of permanently sustainable energy resources be encouraged utilizing to the highest degree possible the private sector of our free enterprise system." In support of that policy, Oregon adopted a statute that protects a homeowner's right to install a solar energy system on their property, which is set out below.

105.880 Conveyance prohibiting use of solar energy systems void. (1) No person conveying or contracting to convey fee title to real property shall include in an instrument for such purpose a provision prohibiting the use of solar energy systems by any person on that property.

(2) Any provision executed in violation of subsection (1) of this section after October 3, 1979, is void and unenforceable.

(3) For the purposes of this section, "solar energy system" means any device, structure, mechanism or series of mechanisms which uses solar radiation as a source for heating, cooling or electrical energy. [1979 c.671 §5]

It may be helpful to make the HOA aware of this statute. Please let me know if you have any questions.

Regards,

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