

## California Legal References Relating to Solar

Some have requested legal references for solar rights. Here are the most relevant, and are available on the California Law web site:

<http://www.leginfo.ca.gov/calaw.html>

\* Solar Rights Act - Civil Code 714

Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

\* Solar Easements - Civil Code 801.5

"Solar easement" means the right of receiving sunlight across real property of another for any solar energy system. Direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed.

\* Remove Municipal Barriers to Solar - Government Code 65850.5

Local agencies shall not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems.

\* Solar Shade Control Act - Public Resources Code 25980

No person owning, or in control of a property shall allow a tree or shrub to be placed, or, if placed, to grow on such property, subsequent to the installation of a solar collector on the property of another so as to cast a shadow greater than 10 percent of the collector absorption area upon that solar collector surface on the property of another.

\* Permit Approval - Health and Safety Code 17959.1

A city or county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

\* Property Tax Exemption - Revenue and Taxation Code 73

The term "newly constructed," does not include the construction or addition of any active solar energy system, thereby creating a tax appraisal exclusion.