

Your Board has received many inquiries regarding the installation of solar collectors. We have investigated the options and New Jersey's Residential *Solar Access Law N.J. Stat. 45:22A-48.2, August 21, 2007*, the latest version is October 26, 2009.

After review of New Jersey law and our covenants, it has been determined as Deerwood Carriage Homes Association is responsible for the maintenance of our roofs; the installation of solar collectors by individual homeowners is prohibited.

The link to access this information is

http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=NJ15R&re=1&ee=0&printable=1

New Jersey

Incentives/Policies for Renewable Energy

Residential Solar Access Law

Last DSIRE Review: 10/26/2009

Program Overview:

State:	New Jersey
Incentive Type:	Solar and Wind Access Law
Eligible Renewable/Other Technologies:	Solar Water Heat, Solar Space Heat, Photovoltaics
Applicable Sectors:	Residential

Authority 1:
[N.J. Stat. § 45:22A-48.2](#)
Date Enacted:
08/21/2007
Date Effective:
08/21/2007

Summary:

In 2007, New Jersey enacted legislation preventing homeowners associations from prohibiting the installation of solar collectors on certain types of residential properties. The term "solar collector" is not defined, but would seem to include both solar photovoltaic and solar thermal technologies which use collectors installed on the roof of a dwelling. **This law covers only dwellings that are *not* deemed community property of the association, including townhouses which have at least two sides that are unattached to any other building and for which the owner, rather than the association, is responsible for roof maintenance.** In addition, the law applies specifically to systems installed on the *roofs* of qualifying dwellings. Presumably this means that it does not extend the same protections to ground mounted systems. A homeowners association is permitted to regulate certain aspects of a solar collectors, including the qualifications of installation personnel, collector location, concealment and size. However, any regulation that would increase the collectors' installation and maintenance cost by greater than 10%, or would prevent the system from operating at maximum efficiency, may not be enforced.