




*Northwest Solar  
Communities*

# Homeowners Associations and Solar PV Installations

Laws, Guidance, and Model  
Resolutions for HOAs in Washington  
and Oregon



# Oregon and Washington Law of PV and Homeowners Associations (HOAs)

- Oregon Law: none to date, but see HB 2559 (2015), which would broadly bar HOAs from prohibiting solar installations:

“A provision in a declaration or bylaws of a planned community is void and unenforceable as a violation of the public policy to protect the public health, safety and welfare of the people of Oregon if the provision prohibits an owner from installing or using solar panels for obtaining solar access as described in ORS 215.044 and 227.190.”

- Washington law: RCW 64.38.055



Northwest Solar Communities is a coalition of jurisdictions, utilities, industry partners and citizen groups. The coalition builds on the work of the Evergreen State Solar Partnership, working under the U.S. Department of Energy's [Sunshot Initiative](#), [Rooftop Solar Challenge](#) program to reduce the “soft costs” associated with installing rooftop solar electricity.

Northwest Solar Communities grew out of the 2012 Evergreen State Solar Partnership, which led to the adoption of streamlined permitting and interconnection in several Washington communities. Today, Northwest Solar Communities includes more 20 partners from Oregon and Washington, working to share best practices and align processes, within each state and where possible, across state lines.

Northwest Solar Communities strives to reduce the “soft costs” of going solar by:

- Standardizing the permitting and interconnection processes.
- Creating business certainty for solar PV deployment across a broad area.
- Facilitating the adoption of solar financing options to make solar energy affordable for all.

IREC supports this effort by lending expertise in interconnection, net metering, and permitting, all of which are central to the goals of Northwest Solar Communities.

# What Does RCW 64.38.055 Do?

- It does not require an HOA to address solar in its governing documents.
- It does set out what an HOA's governing documents may and may not say about solar, if such documents address solar at all.
- It does deny HOAs the right to restrict solar across the board
- It does allow HOAs to impose restrictions on installations

# *RCW 64.38.055 (paraphrased)*

- (1) The governing documents may not prohibit the installation of a solar energy panel on an owner's or resident's property as long as the solar energy panel:**
- (a) Meets applicable health and safety standards/requirements set by law;
  - (b) If used to heat water, is certified by the solar rating certification corporation; and
  - (c) If used to produce electricity, meets all applicable safety and performance standards.

The first and paramount provision. It prohibits HOAs from denying a solar installation on a residential roof if the installation satisfies the applicable health, safety, and certification standards; that is, subclause (a) and either (b) or (c).

# RCW 64.38.055(2): Where HOAs and PV Collide

**(2) The governing documents **may**:**

(a) **Prohibit** the visibility of any part of a roof-mounted solar energy panel above the roof line;

(b) **Permit** the attachment of a solar energy panel to the slope of a roof facing a street only if:

(i) The solar energy panel conforms to the slope of the roof; and

(ii) The top edge of the solar energy panel is parallel to the roof ridge; or

(c) **Require:**

(i) A solar energy panel frame, a support bracket, or any visible piping or wiring to be painted to coordinate with the roofing material;

(ii) An owner or resident to shield a ground-mounted solar energy panel if shielding the panel does not prohibit economic installation of the solar energy panel or degrade the operational performance quality of the solar energy panel by more than ten percent; or

(iii) Owners or residents who install solar energy panels to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a solar energy panel.

(3) The governing documents may include other reasonable rules regarding the placement and manner of a solar energy panel.

# Why RCW 64.38.055(2) Causes Solar Heartburn

- Isolated Reading of RCW 64.038.055(2)(b) suggests HOAs could deny an installation outright: The governing documents “may permit” a street-facing solar installation if it doesn’t exceed the roofline and the top is parallel to the roof.
- Interpretation: We could allow them if they conform to these standards, but we don’t have to allow them at all.



# The Statute Must be Read as a Whole

- The governing documents may not prohibit the installation of a solar energy panel
- The governing documents may prohibit visibility above the roofline; permit the panel to face the street only if it doesn't exceed the roofline and conforms to the slope of the roof; require coordinating paint/wiring/brackets; impose indemnification obligations on the owner; and contain other placement and manner rules

# NW Solar Communities Model HOA Resolutions

- Designed to put HOAs in a proactive (rather than reactive position)
- Designed for compatibility with RCW 64.38.055
- Allows flexibility for individual HOAs
- Promotes efficient resolution of residents' requests for installation approval

# Outline of Model HOA Resolutions

- Approval Process (submittal of plans, committee review, standards of review, appeal of decision)
- Installation Standards (building-integrated, building-mounted, and ground mounted)
- General Requirements
- Solar Shade Control (may not be appropriate for all HOAs)

# The Model HOA Resolutions:

## Are Not:

- A hotel bathrobe (one size does not fit all)
- A straightjacket (technology is flexible, and documents should be too)

## Are:

- Designed to give HOAs and their governing bodies a place to start
- Designed to grow (to accommodate changing technologies: carports, patios, sunshades, and whatever else we dream up)
- Intended to reduce conflict

# Promoting the Model Resolutions

- Ask your clients if their HOA rules address solar
- Would their HOA be interested in a copy, or in hearing from NW Solar Communities?
- Contact: Linda Irvine, NW Seed [linda@nwseed.org](mailto:linda@nwseed.org)  
(NW Solar Communities, generally)  
Kathleen Kapla, Keyes, Fox & Wiedman LLP  
[kkapla@kfwlaw.com](mailto:kkapla@kfwlaw.com)  
(RCW 64.38.055; HOA Resolutions)

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