

Summary of California State Law Related to Solar Access

Voluntary solar easements

Civil Code 801.5

Ensures that neighbors may voluntarily sign easements to guarantee the right to receive sunlight for active or passive solar energy systems.

Subdivision Map Act—Solar Easements

Gov. Code 66475.3

Allows local governments to pass ordinances to require solar easements in subdivision projects.

Solar Rights Act

Civil Code 714

Prohibits any covenant, restriction or condition contained in any deed or other contractual restriction to limit the installation or use of a solar energy system on any property.

Local Government Review of Solar Applications

Gov. Code 65850.5 and Health and Safety Code 17959.1

Law limits local governments to non-discretionary review of applications to install solar energy systems. Additionally, the law limits review to whether the solar system meets health and safety requirements, and expressly prohibits review for aesthetic purposes.

SB 1399--Protection from Vegetative Shading

Public Resources Code Sections 25981, 25982, 25984, and 25985

Code sections provide limited protections against shading from vegetation on adjacent properties. Specifically, the law prohibits adjacent property owners to allow new trees or shrubs to grow so as to cast a shadow that covers more than 10 percent of the solar system's absorption area between 10 a.m. and 2 p.m. SB 1399 of 2008 amended the previous code to exempt trees and shrubs planted prior to the installation of a solar system. Also exempted are trees and shrubs that are subject to a local ordinance, or the replacement of trees or shrubs that had been growing prior to the installation of the solar device.

SB-43--Solar Gardens

Section 2831 of the California the Public Utilities Code

Establishes the Green Tariff Shared Renewables Program, which requires that IOU utilities (including Pacific Gas and Electric) implement programs enabling ratepayers to participate directly in off-site electrical generation facilities that use eligible renewable energy resources, consistent with certain legislative findings and statements of intent.