

Solar Access

A Potential Title Problem



Interest in solar energy is growing as more homeowners, as well as businesses, are taking long serious looks at this alternative source of power. As with any new technology, however, there are potential problems. The sun rays must be able to reach the solar collectors and this brings up the issue of solar access that could involve adjacent properties and a neighbor's air space.

Unobstructed sunlight reaching the solar collectors is critical to the efficiency of the solar system and panels. On average about 6 hours of direct sunlight per day is required for maximum efficiency. This varies according to season, location and the type of solar system installed. It also depends on adjacent properties' height, setbacks and trees that may grow to obstruct sunlight. That is why the question of guaranteeing access to sunlight is becoming an important part of property ownership. In fact, it has been called the single most difficult legal issue connected with solar energy use.

The most practical solution is the negotiation of easements between property owners. One property owner would receive assurance that the sunlight which travels over the neighbor's property would always be available and remain unobstructed.

The California Solar Rights Act of 1978 was passed to promote and encourage the "widespread use of solar energy systems and to protect and facilitate adequate access to the sunlight which is necessary to operate solar energy systems"

It is important, of course that all solar easements be officially recorded, just as other uses and conditions are included in public records. Otherwise, such an easement might not be noted during the title search at the time of sale. This could affect future owners solar access.

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