

State of Virginia Solar Policy Summary

Solar Rights

Under Virginia law, homeowners' associations are usually not allowed to create rules that keep members from installing solar panels on their own property. A rule prohibiting solar panel installation must be part of the "recorded declaration" for a homeowners' association for it to be legal. Recorded declarations are the legal documents that set baseline rules for a homeowners' association and are usually written when a new housing development is built; they can be thought of as the "constitution" of a homeowners' association. Homeowners' associations can also make other rules, typically called "bylaws." Bylaws can be changed by the board of a homeowners' association.

Virginia's solar rights law means that bylaws cannot prevent homeowners from installing solar panels on their property. The only way a homeowners' association that does not have a rule against solar panel installation in its recorded declaration could create such a rule would be to change the recorded declaration. Changing the declaration is possible but is typically more difficult than changing bylaws, similar to how amending the Constitution is more difficult than passing a law.

Homeowners' associations are allowed to prohibit installation of solar panels in the common area of their community through bylaws. They can also use bylaws to set "reasonable restrictions" on the size, place, and manner of solar panel installations on homeowners' own property.

Virginia law does not specify what a reasonable restriction is. Some other states have limited possible restrictions based on how much they add, in either dollar or percentage terms, to the cost of installing solar panels for a homeowner. Virginia does not have any explicit rules on this question, but a judge might consider other states' rules to inform their decision on whether a restriction is reasonable or not, although Virginia case law on similar questions would take higher priority.

Virginia's Attorney General issued [an opinion](#) on the solar rights law in 2014.

Solar Easements

Virginia law allows property owners to form solar easements. An easement is a right someone holds affecting property that they do not own. In the case of solar easements, easements establish the right of one property owner to make a neighboring property owner refrain from doing anything on their land that would shade some segment of the first property owner's land.

Easements are formed voluntarily. The solar easements law does not establish a right to not have your solar panels shaded; it merely allows you and a neighbor to form an agreement under which they will not shade your property. Easements apply to later owners of the neighboring property; if you and your neighbor form an agreement placing a solar easement on the neighbor's property, and your neighbor then sells their property to someone else, the easement will still apply to the new owner, so the new owner will not be allowed to shade your property.

Solar easements have to be created in writing, and need to list the angles at which the easement extends over the property in question, any terms or conditions that would end the easement if met or broken, and any provisions (if there are any) for compensation of the property owner subject to the easement.

Local Ordinances

In March 2011, the Virginia legislature enacted broad guidelines for local ordinances for solar and wind. The law states that any local ordinance related to the siting of solar or wind energy facilities must:

- Be consistent with the Commonwealth Energy Policy (§ 67-102)
- Provide reasonable criteria for wind and solar energy siting, protecting the locality while promoting wind and solar development
- Establish reasonable requirements for noise limitations, buffer areas, setbacks, and facility decommissioning

In Virginia, local governments bear the chief responsibility for siting renewable energy projects. In response to questions raised by local government representatives and others, DEQ convened an informal stakeholder group - the **L**ocal Government **O**utreach Stakeholder **G**roup (LOG). With guidance from the LOG, model ordinances and other resources were developed, which local governments may choose to consult on renewable energy issues.

Energy Policy of the Commonwealth (updated links)

- [§67-100 of the Code of Virginia](#) (Legislative Findings)
- [§67-101 of the Code of Virginia](#) (Energy Objectives)
 - [2012 Amendment to Section 101](#)
- [§67-102 of the Code of Virginia](#) (Commonwealth Energy Policy)
- [§67-103 of the Code of Virginia](#) (Local Ordinances)
- [§67-701 of the Code of Virginia](#) (Solar Rights)
- [§55-352 of the Code of Virginia](#) (Solar Easements)