



TO: General Public

FROM: Melissa Englund, Sustainability Coordinator

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SUBJECT: Solar Access Law in Colorado

Colorado's 1979 Solar/Wind Easements and Rights Law (CRS § 38-30-168) renders void any covenants, restrictions, or conditions that prohibit "renewable energy generation devices" or "energy efficiency measures." Renewable energy generation devices include solar energy devices and wind-electric generators that meet the state's interconnection standards.¹ Energy efficiency measures include awnings, attic fans, energy-efficient lighting, and clotheslines, among other technologies. Some exceptions are made for both renewable energy devices and energy efficiency measures for safety requirements and aesthetic purposes that do not significantly increase the cost of the device or decrease its performance.

Additionally, property owners are allowed to agree voluntarily to solar and wind easements with their neighbors for the purpose of protecting and maintaining proper access to sunlight and wind.

It is advised that the property owner verify any requirements for permits prior to the installation of any energy efficiency measures or renewable energy generation devices.

For properties covered under the Colorado Common Interest Ownership Act, such as condominium complexes, a homeowners association cannot ban solar panels; however, it can regulate them. The scope of regulatory authority depends on the housing type (single-family vs condominium, etc.). The owner or occupant's right to install is subject to the following conditions²:

1. The solar energy device can only be installed on property owned by the owner (unless the association approves otherwise); and
2. The association may place reasonable aesthetic restrictions on dimensions, placement, and external appearance of the devices.

For example, in a condominium complex,, an owner does not generally have the right to install solar panels on the roof, as the roof is part of the common or limited common elements which is not owned by the condominium owner.

Under Colorado law, an association's period of review and approval of an application to install a renewable energy device must not exceed 60 days from the date of application. The process must be

¹ <https://leg.colorado.gov/sites/default/files/images/olls/crs2020-title-38.pdf>

² <https://altitude.law/resources/newsletter/solar-panels-and-satellite-dishes-can-an-association-regulate-them/>



transparent, denial of approval must not be arbitrary or capricious, and denial of approval must not be arbitrary or capricious.³

Individual disputes around solar access may be taken up with your local court.

³ <https://leg.colorado.gov/bills/hb21-1229>