

Press Release from North Carolina Sustainable Energy Association & Southern Environmental Law Center

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NC Supreme Court upholds NC homeowners' right to install solar

RALEIGH, N.C.—On Friday, the Supreme Court of North Carolina issued an order in a case between a Wake County homeowner and their homeowner’s association (HOA) affirming state law that protects homeowners’ right to install rooftop solar. The North Carolina Sustainable Energy Association, represented by the Southern Environmental Law Center, submitted a friend-of-the-court brief on behalf of the homeowners, as did the North Carolina Attorney General. The North Carolina Supreme Court reversed a Court of Appeals decision in *Belmont Association v. Thomas Farwig*, and upheld the right of a homeowner to install rooftop solar that a Homeowners Association prohibited, fined, and put a lien on the homeowner’s home for installing.

The court held that HOA provisions granting broad discretionary authority to architectural review committees cannot be used to prohibit solar panels. The court also affirmed that the HOA’s architectural review committee could not limit the location of solar panels to the back of the home when that would prevent the reasonable use of the solar panels due to roof orientation.

“The ruling issued by the North Carolina Supreme Court is a significant achievement for homeowner property rights in North Carolina, affirming access to clean, renewable power for those previously denied by their HOAs,” according to Peter Ledford, NCSEA’s General Counsel and Director of Policy. “This decision will reduce a significant barrier to the residential solar market in North Carolina, supporting jobs in the rooftop solar industry, and helping homeowners lower their utility bills and clean up the grid.”

“For too long, North Carolina homeowners lived with uncertainty about whether our solar access law would protect their right to go solar if opinions on their respective HOA boards or committees swung against it,” said Lauren Bowen, Senior Attorney and leader of Southern Environmental Law Center’s Solar Initiative. “The North Carolina Supreme Court has now affirmed the right to go solar under the law and homeowners can now be confident their decisions to go solar will not be denied arbitrarily.”



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About the North Carolina Sustainable Energy Association

North Carolina Sustainable Energy Association (NCSEA) is the leading 501(c)(3) non-profit organization that drives public policy and market development for clean energy. NCSEA's work enables clean energy jobs, economic opportunities, and affordable energy options for all North Carolinians. Learn more about NCSEA, its mission, and vision at www.energync.org

About the Southern Environmental Law Center

The Southern Environmental Law Center is one of the nation's most powerful defenders of the environment, rooted in the South. With a long track record, SELC takes on the toughest environmental challenges in court, in government, and in our communities to protect our region's air, water, climate, wildlife, lands, and people. Nonprofit and nonpartisan, the organization has a staff of 170, including 90 attorneys, and is headquartered in Charlottesville, Va., with offices in Asheville, Atlanta, Birmingham, Chapel Hill, Charleston, Nashville, Richmond, and Washington, D.C. www.southernenvironment.org