

**Bridlewood Community Association, Gainesville, VA**  
**Board Resolution on Solar Panels**

1. Authority:

The Board of Directors of Bridlewood Community Association has the authority to interpret and adopt reasonable rules and regulations. This authority is found in the following paragraphs of the recorded Declarations.

Article XII, paragraph 12.01 states “The Association Board shall have the right to construe and interpret the provisions of this Declaration and any rules or regulations promulgated pursuant to it...”

Article XII, paragraph 12.02 of the same document states “The Association Board shall adopt and promulgate reasonable rules and regulations regarding the administration, interpretation and enforcement of the provisions of this Declaration....”

2. Purpose:

The purpose of this resolution is to clarify and define our Community Association’s understanding, position, rules and regulations regarding the placement of solar panels.

All mention of Virginia Law in this document refers to § 55.1-1951.1. Installation of solar energy collection devices. This law is attached to this document for reference.

3. Background Information:

- A. Bridlewood is composed of multiple neighborhood sections. Some sections have differing Supplemental Declarations (rules, regulations, etc.) recorded by the builder.
- B. Solar panels are not mentioned in the Declarations that cover most homes in Bridlewood.
- C. Supplemental Declarations for Section 1 and Section 4 of the neighborhood contain language about solar panels. Paragraph 3.07 of the Supplemental Declaration says “Solar collectors or panels that are not visible from a street may be installed and maintained on a lot.”
- D. Bridlewood has a set of Architectural Guidelines, previously adopted by the Board of Directors (separate from the recorded Declarations), that restrict solar panels to the rear of homes. This applies to all sections of the neighborhood.
- E. Virginia law allows solar panels unless prohibited in recorded Declarations. Our Community Association has the right to establish reasonable restrictions on solar panels, but we must consider exceptions under certain conditions.

Discussion, Scope, and Intent:

- A. Although the language in the supplemental Declaration for section 1 and 4 says solar panels are allowed when not visible from a street, we take this to mean they are allowed on the rear roof of homes, not on the front-facing roof. Truly “not-visible” is not a workable definition given that even a homeowner’s back yard may be visible in the distance from a different street.
- B. Assuming that the language in the Supplemental Declarations for section 1 and 4 does not allow solar panels on the front of homes (it only mentions where they can be placed, not where they cannot be placed), we have the issue of whether solar panels are prohibited or restricted. They are prohibited from locations that are visible from a street, but clearly are allowed in other (not visible) locations. We believe that being allowed in one place (rear), but not in another (front) fits the definition of “restricted” rather than “prohibited”.
- C. Therefore, we believe that our recorded Declarations DO NOT prohibit solar panels as the Virginia law would be applied. Rather, solar panels are restricted to the rear of homes. Therefore, exceptions to this restriction should be made according to paragraph C of the law, when requirements of that paragraph are met.

**Resolved, that our Board of Directors interprets and believes that our recorded declarations, for all neighborhood sections, do not prohibit solar panels. Restrictions contained in Bridlewood’s Architectural Guidelines and in some recorded declarations shall apply, consistent with Virginia Law.**

This resolution shall become effective immediately. Duly adopted at a meeting of the Board of Directors of the Bridlewood Community Association held on Dec. 5, 2023.

Motion to approve by: Larry Burch    Second by: John Griffith

Approved by vote of 4 in favor, none opposed.

<b>Board Member</b>	<b>Vote</b>
Hilary Loder, President	Approve
John Griffith, VP	Approve
Kurt Voggenreiter, Treasurer	Approve
Tim Fieffer	Not present at meeting
Larry Burch	Approve

## Code of Virginia

### § 55.1-1951.1. Installation of solar energy collection devices.

A. As used in this section, "solar energy collection device" means any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus.

B. No unit owners' association shall prohibit an owner from installing a solar energy collection device on that owner's property unless the recorded declaration for the unit owners' association establishes such a prohibition. However, a unit owners' association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any resale certificate pursuant to § 55.1-2309 given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.

C. A restriction shall be deemed not to be reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the unit owners' association to show that the restriction is not reasonable according to the criteria established in this subsection.

D. The unit owners' association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the unit owners' association. A unit owners' association may establish reasonable restrictions as to the number, size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

2006, c. [939](#), §§ 67-700, 67-701; 2008, c. [881](#); 2009, c. [866](#); 2013, c. [357](#); 2014, c. [525](#); 2020, cc. [272](#), [795](#); 2021, Sp. Sess. I, c. [387](#); 2023, cc. [387](#), [388](#).