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Top 5 Reasons Why Owners and Builders Need an Attorney When Incorporating Solar Energy in a Project

Solar energy development in California has been widely welcomed by the public and private sectors, with policymakers, environmentalists, businesses, landowners, and others lauding the efficiency, cost reduction, and reliability that solar energy offers – all while maintaining a low-carbon footprint as a sustainable energy source. But with the fast pace of solar energy development in our state, it is easy to “jump into the solar energy pool” too quickly, without undertaking the due diligence and other preliminary steps that can avoid pitfalls particular to solar energy projects.

Specialists in the Solar Rights Act and laws concerning solar energy systems are struck by the number of legal problems which arise from well-intended, but

overzealous, incorporation of solar energy systems on development projects. Often, these problems would have been easy to resolve had experienced legal counseling been offered at the outset ... but all too often attorneys field inquiries from developers and others whose projects are already well-underway, making it far more difficult and costly for their legal problems to be resolved.

For the vast majority of these projects, it is far more cost-effective to enlist the counsel of an experienced solar energy attorney at the outset of a project. Here are the top five reasons why this is true.

1) Getting Entitlements

As solar energy has gained popularity, government agencies have been inundated with appli-

cations for a variety of solar projects. They are quickly developing complex regulations that limit or prohibit these projects. You need an attorney with expertise in the myriad of differing regulations in order to secure the entitlements that will allow your project to proceed.

2) Preventing Unforeseen Liabilities

Solar energy poses a host of potential liabilities that are only now being realized. Liabilities include repair and maintenance claims; access to light; limitations on insurance coverage; claims over clean energy certifications; disputes over shade; claims of solar system trespass; disputes over aesthetics; product warranty and liability claims; and other liabilities. A knowledgeable attorney can navigate these pitfalls and ensure that your contracts will protect you from liability.

3) Get the Most Out of Your Investment

While the law establishes many financial and other benefits for those converting to solar energy, these rules are constantly changing. A seasoned attorney realizes all of the potential advantages the law offers.

4) Foreseeing Disputes

Because solar energy has only recently been widely incorporated in projects, most developers and attorneys are wholly unaware of the common types of disputes that these projects can encounter. Potential disputes that a solar rights attorney might easily

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resolve might not even be recognized by an attorney unfamiliar with the nuances of solar energy law until it's too late. You need an attorney with a history of handling these projects in order to foresee disputes which may be on the horizon and to respond quickly and effectively.

5) Knowing What's Feasible Before It's Too Late

All too often an owner or builder will embark on a project that incorporates solar energy without first determining what legal obstacles exist. Only when millions have been invested and the project is well underway are legal problems identified, leaving developers scrambling to locate a solar rights attorney to untangle the problems – something that cannot always be done without significant consequences to overall project viability. It is best to include an attorney versed in solar rights law early-on in the planning stages of your project in order to determine what legal obstacles must be overcome to ensure a feasible and uninterrupted project.

Attorneys at AGC have been at the forefront of the Solar Rights Act and other solar energy laws which shape California's clean energy future. If you are planning to incorporate solar energy on a current or future project, or if you have other questions concerning the legal intricacies of solar energy law in California, contact AGC attorney Matthew Gorman or any of the firm's other attorneys at or 562-699-5500.

