

HB 0101 - SUPPORT
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**Condominiums - Common Elements - Clean Energy Equipment
Environment and Transportation Committee**

January 26th, 2023

Dear Chair Barve, Vice Chair Stein, and Members of the Environment and Transportation Committee:

I'm Joelle Novey, and I live at Eastern Village Cohousing in Silver Spring. Right now, the eastern portion of our roof is being replaced in preparation for a 216-panel solar project that will generate most of the electricity we use for the common spaces of the building.

But if not for a clause in our by-laws that saved us from the current requirements of the Maryland Condo Act, this 96 kw project might never have moved forward.

I know my friend Tom Deyo from the Montgomery County Green Bank will testify to the bigger picture of how many condominium solar projects he has seen delayed or killed by the current requirements of the Maryland Condo Act.

What I want to offer is a personal story from one Marylander of what it is like to have my community's solar project almost derailed by the current law.

I served on Eastern Village's solar committee, which originally formed in the fall of 2021. We worked with the Montgomery County Green Bank to solicit proposals for Power Purchase Agreements, through which solar developers would put up solar on our roof at no cost to us and sell us the power for less than we were paying for power from the grid. Meanwhile, our cohousing building operates by consensus decision-making, so we also undertook the labor of love of educating all 55 households about how solar financing works, of reassuring our neighbors that this proposed project would not compromise their enjoyment of the rest of our building's roof space, because so many of us love the existing gazebo, playground, and vegetation on the western side of our roof. Starting in December of 2021, all the way through a Membership Circle approval of a proposal to designate a task force to select a solar developer *five months later*, our committee of volunteers had hundreds of conversations with our neighbors, and with the finance and building committees, to address every question and concern and prevail with a shared vision for a Power Purchase Agreement for solar panels on our roof. It was such an inspiring and hopeful moment last May when our proposal achieved Membership Circle consensus and a task force was authorized to select a solar developer and recommend a contract to the board for signature.

Only days later, the appointed task force was in the midst of selecting a developer when our friends at the Montgomery County Green Bank brought to our attention the requirements of the Maryland Condo Act. This raised the possibility that the Eastern Village board wouldn't have the authority to sign the Power Purchase Agreement themselves. Rather, in order to sign a Power Purchase Agreement with our chosen solar developer, we might need every residential owner and **every mortgage holder** of every unit in our building to be notified of the proposed contract and then we would need two-thirds to affirmatively approve it.

Even for our fearless and motivated volunteer committee, this prospect was pretty devastating. The day I learned about it I remember feeling my heart sink.

We know all our neighbors and had come to consensus with the full body of residents, and we're an owner-occupied building, so having the residential owners all notified about the contract would have been more doable for us than many others.

But figuring out who held every mortgage of every unit in the building, figuring out how to notify those mortgage-holders in writing, and then securing two-thirds affirmative approval was going to be a bear. As a very tired volunteer solar committee member who had by now been trying to help my building go solar for well over a year, I could see why this requirement was killing solar projects in other Montgomery County condominiums.

After several conversations and a consultation with our lawyer, by August, we had satisfied ourselves that Eastern Village by-laws permitted our board to sign a lease, overriding the requirement of the Maryland Condo Act. After a brief scare, our board signed a solar contract, and we're finally on our way to powering our building with sunshine. But our beautiful solar panel project, over 90 kilowatts worth, nearly came to a screeching halt for no good reason.

We were lucky to be able to move forward. But many other promising condo solar projects will continue to be scuttled by the requirements of the Condo Act. So I request your favorable support for HB 0101.

