



April 10, 2018

Bill 12-18, Real Property - New Home Sales Contracts - Solar Panel Systems

Council President Riemer and members of the Council, thank you for your time this afternoon.

My name is Philip Raskin, and I come to you today on behalf of the Greater Capital Area Association of REALTORS® (“GCAAR”) – the voice of Montgomery County and the District of Columbia’s more than 10,000 REALTORS®, property managers, title attorneys, and other real estate professionals.

On behalf of GCAAR and our members, I ask that you oppose Bill 12-18.

The kernel of an idea behind Bill 12-18 is one a good one – solar panels are an environmentally friendly endeavor, a broader installation of them would bring about a healthier energy grid, and owning them can potentially be a boon to a property’s value. But the question this bill raises is: where is the line between government action and personal property rights?

Government action with regard to environmental stewardship has often led to both a greener community as well as creation of jobs within new industries. These past efforts include tax incentives for different aspects of ‘going green,’ providing easy avenues for residents to recycle, and the installation of green technologies on many County properties. These projects and programs are cooperative, and are led by Montgomery County Government’s example.

But this bill is not cooperative – its weight is stringently one sided. Instead of an option or incentive to act, Bill 12-18 sets up an almost punitive measure on those selling a new home. Property owners, and REALTORS® who partner with them, already go through numerous requests set forth by a prospective buyer and are burdened with extensive and overbearing disclosure regulations.

The impact of this bill should exclusively rest on the buyer. If a prospective owner wants solar panels on the home, *they* should have to pursue that option and negotiate the project with the current owner. Requiring a property owner to go through the entire process at the buyer’s request - no questions asked - is not reasonable.

The effort of researching a number of solar companies, hiring a company of your choice, taking time to schedule and oversee appraisal and construction, as well as the discussing these steps and their cost with a buyer is far too onerous. This will also delay the sale of homes, eroding the rights of property owners.

If the County believes every home sale should include information on solar panels, or other environmentally friendly features, why isn’t the County’s Department of Environment Protection charged with tracking and supplying the information?

The County could – through direct mail or an informational campaign - educate every property owner on the benefits of solar panels. Choosing to put this impediment in front of property owners instead is misguided and burdensome.

GCAAR supports County efforts to educate and facilitate a renewable community. We have partnered with DEP as recently as this month to give residential property owners information on making their homes more energy efficient. But this legislation will not further these goals. It will put stumbling blocks in front of property owners looking to sell, and will dilute any effort to properly educate County residents on the benefits of residential solar installations.

Unfortunately this bill is another missed opportunity for collaboration. GCAAR stands for the preservation of the right to own, use, and transfer real property. Decreasing Montgomery County's carbon footprint through more residential solar use can be achieved without adversely impacting that goal. It is disappointing that instead of looking for cooperation, this bill unnecessarily draws opposition to an eco-friendly idea we generally support.

For all of these reasons, we ask that you oppose Bill 12-18. We appreciate you taking time to hear from our community on this issue.