

SOLAR LEGISLATION

Solar Rights Legislation

1977 — The Solar Rights Act established the right to use solar energy as a property right.

1983 — The Solar Recordation Act provided the procedure to record the title with the County Clerk.

2007 — The Solar Collector Definitions and Restrictions Bill strengthened the Solar Rights Act by prohibiting cities from passing ordinances or codes and homeowners' associations from passing covenants that forbid solar installations, with the exception of historic districts. The new legislation also extended Solar Rights protection to any device that conveys sunlight into a structure.

Solar Rights Terminology

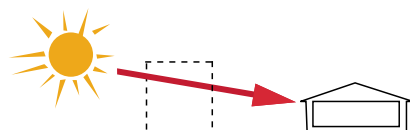
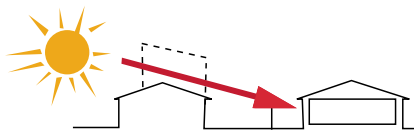
As defined in the Solar Rights Act:

A Solar Right means the right to an unobstructed line-of-sight path from a solar collector to the sun.

Solar Collector means a device, substance or element that relies upon sunshine as an energy source and that is capable of collecting not less than 25,000 Btu's on a clear winter solstice day for the purpose of:

- + heating or cooling a building,
- + heating or pumping water,
- + industrial, commercial or agricultural processes, and
- + generation of electricity.

A solar collector may be used for other purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall.



SOLAR RIGHTS

Claiming Your Solar Rights

Step 1: The County Clerk's Office is the place to start when a decision is made to claim Solar Rights.

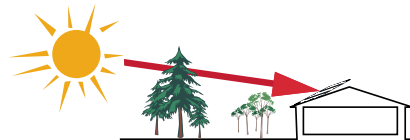
Step 2: Complete the Solar Rights Declaration form available at your County Clerk's office.

Step 3: Notice of intent must be given in advance to neighboring property owners. The adjacent property owners who may be affected may contest the claim for Solar Rights.

By completing these steps, the property owner who first appropriates and makes beneficial use of Solar Rights can prevent neighboring property owners from encroaching upon the right by preventing them from constructing new buildings or planting new trees that infringe upon the right.

Establishing Your Solar Right

When the Solar Right is established, it attaches to the property right. If the property right is sold, the solar right remains with it. A property owner can, however, sell the Solar Right to the owner of the neighboring property. The neighboring property owner who buys the Solar Right can cancel it, thereby allowing him to obstruct the original solar owner's line of sight.



LET THE SUN WORK FOR YOU

The State of New Mexico provides solar financial incentives!

New Mexico Solar Market Development Tax Credit

After you purchase and install your solar system, you can receive a tax credit when you file your federal and state personal income tax forms. New Mexico Solar Market Development Tax Credit works with the federal solar tax credit to pay up to 30% of your solar photovoltaic or solar thermal system. You can receive up to \$2,000 in a federal tax credit and up to \$9,000 in a state tax credit for your solar system. If you install both a photovoltaic and a thermal solar system, you can receive up to \$9,000 in state tax credits for each system.

Solar Gross Receipts Tax Deduction

The Solar Gross Receipts Tax Deduction is a tax deduction for businesses from the sale and installation of solar energy systems. A solar energy system is an installation that is used to provide space heat, hot water or electricity, net metering, solar panels, dark colored water tank, non-vented trombe wall, and all equipment necessary for the installation and operation of the solar energy system. The Solar Gross Receipts Tax Deduction will be implemented on July 1, 2007.



Builders installing photovoltaic solar electric system.

SOLAR RESOURCES

www.CleanEnergyNM.org — State of New Mexico Energy Conservation and Management Division

www.dsireusa.org — a full listing of state incentives in renewable energy and efficiency

www.findsolar.com — estimate your solar energy system size and find a contractor

www.nmsea.org — New Mexico Solar Energy Association

www.reia-nm.org — Renewable Energy Industries Association of New Mexico

www.nrel.gov/solar/ — National Renewable Energy Laboratory

www.seia.org — Solar Energy Industries Association

The State of New Mexico declared in the Solar Rights Act of 1978 that the right to use the natural resources of solar energy is a property right. In 2007 our State's Legislative Session strengthened the Solar Rights Act to ensure that New Mexicans have the right to solar energy without interference from county and municipality code, covenant, or deed restriction. Learn to use and protect your property right to solar energy!



WWW.CLEANENERGYNM.ORG



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PROTECT
YOUR
SOLAR
RIGHTS

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