



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: SB 820		DATE: 3/30/2022	
COMMITTEE: Downsizing State Government			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 3/30/2022 11:32 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am in Support of this Bill and Legislation. Let's Return Property Owner Rights to All Missourians! I Believe in Private Property Choices.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: FRANCES BABB		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/30/2022 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: GRACE TEDDER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: EFS ENERGY; MISSOURI SOLAR ENERGY INDUSTRIES ASSOCIATION		TITLE: COMMUNITY OUTREACH & POLICY COORDINATOR	
ADDRESS: 1283 RESEARCH BLVD,			
CITY: ST. LOUIS		STATE: MO	ZIP: 63132
EMAIL: grace.tedder@efsenergy.com	ATTENDANCE: Written	SUBMIT DATE: 3/30/2022 9:37 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

I work for EFS Energy, a St. Louis based solar installer that does work around the state. We're also a member company of the Missouri Solar Energy Industries Association. As a solar company, we often work with homeowners who want to install solar on their homes, but are denied by their HOA, sometimes after they've gotten pretty far into the process. Sometimes, the HOA doesn't even have existing rules about solar, so the homeowner doesn't know that they'll be denied until a seemingly arbitrary decision is handed down. SB820 resolves this issue by ensuring that HOAs can't ban solar, but can establish a set of rules regarding installations. It affirms homeowners' property rights and solar access, allowing more homeowners to invest in their homes, increase property value, save money on electricity bills and contribute to a cleaner environment. This bill also supports continued job growth in the solar industry, as fewer barriers to solar access will result in more solar installations in the state.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MELISSA VATTEROTT		PHONE NUMBER: 314-727-0600	
BUSINESS/ORGANIZATION NAME: MISSOURI COALITION FOR THE ENVIRONMENT		TITLE: POLICY DIRECTOR	
ADDRESS: 725 KINGSLAND AVE, SUITE 100			
CITY: ST. LOUIS		STATE: MO	ZIP: 63130
EMAIL: mvatterott@moenvironment.org	ATTENDANCE: Written		SUBMIT DATE: 3/30/2022 8:49 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

March 30, 2022 Representative Ben Baker Downsizing State Government Committee Missouri House of Representatives 201 W Capitol Ave., Rm. 201-D Jefferson City, MO 65101 Dear Chairman Baker and Members of the Committee, The Missouri Coalition for the Environment is a statewide, advocacy nonprofit organization that works to empower Missourians to protect their environment and health. We respectfully ask you to support SB 820, which would allow property owners to improve upon their investment with solar panels. Property owners deserve the freedom to improve upon their own property as they see fit. SB 820 would protect their right to install and utilize solar panels as a source of energy and guard against potential restrictions from HOAs. Creating this protection would not only benefit the property owners who wish to install solar panels, but also the solar industry in Missouri, which creates jobs and augments Missouri's economy. Furthermore, solar energy benefits all Missourians by improving air and water quality via a reduction in harmful outputs from coal-based energy sources and carbon emissions that contribute to climate change. The Missouri Coalition for the Environment respectfully asks you to vote "yes" on SB 820 in order to protect property owners' individual freedoms, promote Missouri's economy and safeguard the health of Missouri's people and environment. Thank you for your time. Sincerely, Melissa Vatterott, JD Policy Director Missouri Coalition for the Environment mvatterott@moenvironment.org (314) 727-0600, ext. 111



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL BERG		PHONE NUMBER: 314-644-1011	
REPRESENTING: SIERRA CLUB MISSOURI CHAPTER		TITLE: SIERRA CLUB MISSOURI CHAPTER POLITICAL DIRECTOR	
ADDRESS: 1459 GREGG AVE			
CITY: SAINT LOUIS		STATE: MO	ZIP: 63143
EMAIL: Michael.Berg@sierraclub.org	ATTENDANCE: Written		SUBMIT DATE: 3/30/2022 10:41 AM
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The Sierra Club Missouri Chapter supports the passage of Senate Bill 820. This bill would help insure that people who want to install solar power on their homes can do so without undo restrictions.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: STEPHEN NITTLER		PHONE NUMBER: 573-340-9288	
REPRESENTING: MISSOURI SOLAR ENERGY INDUSTRIES ASSOCIATION		TITLE:	
ADDRESS: 910 EAST BROADWAY STREET			
CITY: COLUMBIA		STATE: MO	ZIP: 65201
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/30/2022 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: TAMARA RAE SZABO		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: tamarafalke@gmail.com	ATTENDANCE: Written		SUBMIT DATE: 3/30/2022 1:27 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

I am interested in installing solar panels at home. Unlike coal, solar can create more jobs in MO and add hundreds of millions to the MO economy. Please give us the FREEDOM to invest in creating energy on our own property.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CHARLES (TED) JAENKE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: tjaenke@aol.com	ATTENDANCE: Written		SUBMIT DATE: 3/28/2022 5:47 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

Missouri House Testimony regarding SB 820 Regarding Solar Panel Legislation I am very knowledgeable about the power industry in Missouri and the use and installation of solar panels. You would call be a proponent of solar panels, I have a proposal pending for installation of solar panels on available land in our subdivision. I know many individuals in the industry. I am in agreement with the industry input on the first 13 pages of this document, but this legislation goes too far regarding usurping the authority that community trustees have to represent all residents of their communities regarding the appearance and impact of wanton application of solar panels in every case where an owner wants to install them. The Primary reason for my letter regarding the pending bill is to completely dispute the primary concept regarding Restrictive Covenants – the idea that Homeowners Associations place unreasonable restrictions on homeowners. The wording of the bill implies that restrictions accepted by the homeowner when he purchased the property are superseded by this bill. This is unacceptable. I have served two different homeowners associations for over 20 years and am currently a trustee of the Montecito Master Homeowners Association, acting as president. When individuals purchased lots in this complex, they agreed to accept a set of indentures as part of their purchase agreement, for the benefit and protection of all 317 lot owners as a community agreement. These indentures include numerous restrictions to protect the property values and establish order for all lot owners to understand and follow. The Montecito Master Homeowners Association is legally constituted and is responsible to enforce these indentures. These indentures are as much a part of the purchase agreement as the land, sidewalks, streets, etc. that are the physical representations of the purchase contract. The provisions of the individual purchase contracts cannot be separated from each other at the whim of government, because someone thinks it's a good idea. In our case, we recently had a homeowner install solar panels on the roof of his house in a manner that would not be offensive to the neighborhood. Nevertheless, we had comments from his adjoining neighbors questioning how this installation was approved. One of the restrictions of our indentures states that any exterior modification to the home must be submitted and approved as an Architectural Review, which is common in our type of community. This homeowner and his provider failed to submit this modification for Architectural Review, so this installation is subject to a monthly fine for this violation itself. What we have done is establish with our lawyers a reasonable guideline for submitting an Architectural Review for installing solar panels. We understand that we are not going to eliminate solar panels, but many of our homes were not oriented properly for installation of solar panels out of view from the street. A copy of the guidelines is attached for you to review. Our response to this failure of responsibility that all of our lot owners are aware of was measured, in fact we have not responded to this offense yet. We will be doing that shortly, once everyone has been notified of the new guidelines. Solar Panel Installation Guidelines According to Montecito Master Indentures Article VII of the Amended and Restated Indenture of Trust and Restrictions for the Single Family Homes (Villages D and E) at Montecito (the "Indenture")

requires architectural approval for all additions or modifications to the exterior of the single-family homes. Information and forms for submission of these architectural requests is readily available on the property manager web site portal or by contacting the property manager. The builder did not provide for the future installation of solar panels in siting and orienting the individual single-family homes. Some homes are suited for approval and some are not. Installation of solar panels on the roofs of single-family homes requires architectural approval by the Montecito Master trustees elected and appointed by the homeowners. The primary guideline for such approval is that additions and modifications do not alter the appearance of the home from front of the residence. This is the same criteria as previously required with the installation of communication satellites.a. Other factors which may be

considered include, without limitation: Whether the proposed solar panels are visible from the front of the residence;b. Whether the proposed solar panels are visible from the common areas;c.

Whether the proposed solar panels may be contained within the boundary defined by the roof eaves and peak;d. Whether the proposed solar panels extend above the roof peak; ande.

In the case of ground or pole mounted solar collection systems, whether the proposed system is screened from view from the front of the residence and common areas. All architectural approval requests for installation of solar panels require submission of an elevation view of the home including the proposed installation. Any kind of drawing, photograph or computer-generated pictorial can be submitted. All architectural approval requests for the installation of solar panels are, in addition to the criteria set forth herein, subject to the terms and conditions set forth in Article VII of the Indenture and any and all other applicable Rules and Regulations of the Single-Family Homes (Villages D and E) at Montecito. All solar panel installations require a building permit from the city of St. Peters and if required from Central County Fire and Rescue or other applicable fire protection district having jurisdiction. Evidence of such building permit and approval from the fire protection district (if required) must be submitted as part of the approval request. Architectural Approval forms are available on the computer portal which is available to all Single-Family lot owners or by request from the property manager. Failure to comply with this requirement is subject to the stated Fine Structure published as above.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ELIA ELLIS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: elia@ellislawstl.com	ATTENDANCE: Written		SUBMIT DATE: 3/28/2022 4:22 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

As a resident of a home in a homeowner's association I have the expectation that my neighbors and I have the right to determine what our neighborhood looks like, including the application of solar panels to homes. While I very much support renewable energy such as solar, I feel our immediate neighborhood should maintain the collective free choice as to where panels can be attached to homes and we should not be dictated to by state government as this bill would require. This, of all committees, should emphasize keeping state government out of our most local of communities, our HOA neighborhoods.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JIM DURHAM		PHONE NUMBER: 634-2777	
REPRESENTING: COMMUNITY ASSOCIATIONS INSTITUTE		TITLE:	
ADDRESS: 415 EAST HIGH STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL: jldjba@aol.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/30/2022 2:24 PM

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Community Association Institute is composed of homeowner associations (HOA), developers and management companies seeking to train, assist and advocate for community associations. While we promote solar power, we oppose this bill because it deprives homeowners in an HOA of their recognized property rights in the community in which they have chosen to reside. Our primary objection is that even though the bill allows the adoption of "reasonable rules", that authority is completely removed by the final phrase of the subsection prohibiting the rules from "adversely affect [ing] the cost or efficiency of the device. If the homeowner desiring to install solar panels picks the cheapest, gaudiest panels to install on the front of his house, he can ignore any rule requiring anything that might cost 10% more or be 5% less efficient. We would prefer the language be modified to permit any rule that does not "Substantially" or "significantly" or "materially" adversely affect the cost or efficiency.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: PATRICK MCCLANAHAN		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: patrick.mcclanahan@cit.com	ATTENDANCE: Written		SUBMIT DATE: 3/28/2022 4:28 PM
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As a voter and a homeowner in an HOA, I want to express my sincere opposition to SB 820. Anyone with any experience living in a homeowners' association can see that the language of SB 820 is seriously flawed. • It eliminates the HOA from having any actual voice on the impact the solar panels would have on their community. • It has zero clarity on what would be acceptable as "reasonable" since no rules can "adversely affect the cost or efficiency of the device." This effectively allows homeowners to install the cheapest solar panels in an unsightly arrangement anywhere on their property without any way of oversight. • If an HOA did try to figure out what "reasonable" might mean, the only winners are going to be the lawyers litigating the fight! • We purchased our home knowing that we had control over what was going to be allowed in our community, not legislators. • We don't even need this! All HOAs can amend their governing documents to make this decision themselves. My neighbors and I are fervently support renewable energy, including solar panels. However, we believe our local HOA community should have the right to say what that looks like in our own neighborhood.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: PHYLLIS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: phyllismeagher@outlook.com	ATTENDANCE: Written		SUBMIT DATE: 3/30/2022 12:52 PM

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Homeowners should have the freedom to install solar net metering on their own property. I oppose this bill that allows a HOA to forbid the homeowner from taking advantage of lower her electric bill.