

February 9, 2024

Dear Chair Bergquist and Members of the Committee,

I appreciate the opportunity to support HB 2268 with testimony of our ongoing challenges regarding solar panels and Homeowners Association restriction.

My wife and I are civil servants. She is a high school counselor, and I am an engineer for the city of Wichita. We are the kind of homeowners you want in your neighborhood, looking out for others, maintaining our home and yard and looking for ways to improve our surroundings, including ways to save money, and conserve resources. We don't have a lot of money but put high value on the things we do have, and taking care of our two teenage boys looking forward to their future that utilizes alternate energy and environmental conservation, including valuable solar energy. It does not seem fair, for lack of a better term, nor should it be legal, for an organization or company, which is not using the money paid by homeowners and resources they have obtained in the most effective ways for those residents, to be able to control the homeowners that pay their salaries decisions on how to best use resources available to them. Especially, and in addition that many of those regulations are antiquated, and inaccurate with regard to the impact of solar energy on the value of the home and neighborhood. Not to mention that many of the developments they manage, cannot even have a board of residents due to their regulations including the developer having 20 times the amount of power in any vote that might be available. Moreover, these regulations seem to be pick and choose with different neighborhoods with no regard while often, and in our case, managed by the same company.

Our homeowner's association has not only forbidden us from installing solar panels on our home where they can be used most energy efficiently, we have fines which continue to accrue. After placing a lien on our home, they are requiring us to move panels we thought were placed appropriately adding additional cost for removal, repair of the roof due to removal, and reinstallation on a less effective area of our roof. This is also after the HOA only discovering that we had solar panels over a year after they were installed. They have been unreasonable and refused to work with us. As far as being visible from the street in the front of the house, the small number of panels that are on the side of the garage are barely visible. We can further support this by the fact that multiple solar companies have come to our door to sell us solar panels over the last three years not realizing we already have them. Furthermore, the panels which are allowed according to the HOA restrictions are openly visible as our house backs up against 119th Street which is a main street and entrance to our subdivision.

As we struggle to determine how to afford defending the lawsuit our HOA's attorney has threatened us with or the cost to remove and reinstall our solar panel investment

that was made to save us money, we hope you will pass HB 2268. The bill will provide freedom from unnecessary, unreasonable HOA restrictions thereby granting the opportunity to benefit from the positive use of alternate and money-saving options with solar energy.

Thank you for your consideration.

Sincerely,  
Jeff Terhune  
Wichita, KS  
jterhune@wichita.gov | 316-619-9262

#### Terhune HOA Solar Panel Summary

September 2020, we submitted a project approval form according to our Homeowners Association requirements. The HOA sent the request back stating, no, not on the front of the house. Being unsure of what that meant since the panels were not shown to be on the front of the house but on the side of the garage and back of the house. I called the HOA office and spoke with their executive assistant telling her that panels were on the side of the garage, not the front of the house. She replied, not on the front of the house. I asked again to clarify, and she stated the same, not on the front of the house. Believing we were following the guidelines; panels were then installed on the side of the garage and back of the house.

Fifteen months after installation we receive a letter from the HOA telling us that we had to remove these panels. I reached out to both the HOA's owner, Rodney Wright and the developer, Paul Kelsey. Mr. Wright expressed that it was out of his hands, and that the developer was in charge. Hoping for a reasonable resolution, I contacted the developer Mr. Kelsey. Explaining that I thought he was an out-of-the-box thinking developer, I addressed our solar panel installation and the issue of location. Mr. Kelsey then admitted that the covenants may be "a little out of date" and should be revisited. He also told me he would look at my house and the orientation of the panels then speak with Mr. Wright. In March of 2022, the HOA filed an architectural resolution to the regulations stating that solar panels may only be installed on the back of the home and must not be seen from the street in front of the house.

Then in August of 2022, nearly 2 years after installation, we received notification that fines would begin being assessed at \$50 a day, not to exceed \$500 a month. In response and disbelief, I again reached out to Mr. Wright who confirmed that intent, and advised that I should not call the developer, that Mr. Kelsey did not want to speak

with me. Being unsure what we should do next, we reached out on social media and local news stations hoping to get support and/or direction.

In August of 2023, we received another letter from the HOA requesting that if we moved the panels to the back of the house, they would consider placing fines on hold if a new project request form was submitted within 60 days. Feeling this unjust and not an acceptable resolution, we have not been able to comply. A lien was then placed against the title of our house. The action against us for wanting to benefit from natural solar energy has reached the point where in January of 2024, we received a letter from Foulston attorneys at law declaring if we complied with the forementioned demand to move the panels to the back of the house, we could avoid being sued and incurring many more fees and fines. Compliance with this demand was to occur within 15 days.