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TO: Chair Kathleen James, House Committee on Energy and Digital Infrastructure
FROM: Angela Zaikowski, Esq.
Date: April 9, 2026
RE: S.202

Dear Chair James:

Based on the request of the Committee, I am providing a summary of my testimony in Committee today and recommended language for S.202.

The concern of Housing Providers relates to safety in the building for residents and the building structure itself. Unregulated Portable Solar Energy Generation Devices present a significant safety risk for residents and the building. Our understanding of the UL 3700 standard for these devices is that many of the risks to people and the building are alleviated. This includes back feeding issues, and the requirement that these devices be installed on a dedicated electrical circuit with bi-directional ground fault circuit interrupters (“GFCI”). Although it is not clear if the UL 3700 requires plug configurations to resolve touch safety hazards (reduce shock hazards), we would support that requirement in this bill.

The installation of these devices, when done properly and safely, will potentially require decisions related to and/or discussions between tenants and building owners on the following:

1. Modifications/upgrades to a building’s electrical systems;
2. Attachment to the building itself or a deck/porch structure of the building;
3. Who bears the costs of these changes/upgrades to the property; and/or
4. Procedures for the removal of the Device at the time the Tenant vacates.

All of these factors require input from the building owner on a case-by-case basis. These requirements should apply across the board in rental properties and there should not be a different standard based on an arbitrary number of units of ownership. We would ask that installation and use of these devices by tenants be with express written approval of the Housing Provider only. The permissive style approach of the Virginia statute will create challenges and potential safety issues for both tenants and housing providers.

Suggested Language:

Amend 9 V.S.A. § 4456 to read as follows:

§ 4456. TENANT OBLIGATIONS; USE AND MAINTENANCE OF DWELLING UNIT

(e) A tenant may not utilize or install a Portable Solar Energy Device as described in 30 V.S.A. §§ 201(9) and 256 without the express written permission of the building owner.

(f) If a tenant acts in violation of this section, the landlord is entitled to recover damages, costs, and reasonable attorney's fees, and the violation shall be grounds for termination under subsection 4467(b) of this title.