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**NEW JERSEY ENACTS “GARDEN STATE BALCONY SOLAR ACT” AFFECTING
CONDOMINIUMS AND HOMEOWNERS ASSOCIATIONS, AND COOPERATIVE
HOUSING CORPORATIONS**

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On September 1, 2026, Governor Mikie Sherrill signed the **Garden State Balcony Solar Act (S2368/A4836)**, P.L. 2026, c.82, which will affect how New Jersey condominium associations, homeowners associations, cooperatives and other planned communities regulate portable solar generation devices. The new law takes effect **February 28, 2027**.

What Is a Portable Solar Generation Device?

Unlike a traditional rooftop solar system, a portable solar generation device is a small, movable photovoltaic system designed to plug directly into a standard 120-volt electrical outlet and provide electricity to the residence. These systems are sometimes referred to as “balcony solar” or “plug-in solar” because the panels can be placed on or near balconies, patios and similar exterior areas.

To qualify under the new law, the device generally may have a maximum power output of no more than 1,200 watts, must satisfy specified safety and certification requirements, and must include protection preventing it from exporting power to the electrical distribution system during a power outage.

What Does the New Law Mean for Community Associations?

The Act directly impacts the authority of community associations to regulate these devices.

Once the law becomes effective, an association may not enforce a provision of its master deed, declaration, bylaws, rules, regulations or other governing documents that prohibits a unit owner or tenant from using a qualifying portable solar generation device or placing one on the exterior of the owner's or tenant's premises. Any governing document provision inconsistent with the Act will be void and unenforceable.

However, associations retain important regulatory authority. The Act specifically permits an association to establish reasonable restrictions concerning the size, placement and manner of placement of portable solar generation devices on the exterior of an owner's or tenant's premises.

The Act also permits associations to require an owner, tenant or occupant to indemnify the association for claims, damages, losses or liabilities resulting from personal injury or property

damage caused by the negligent installation, maintenance or use of a portable solar generation device by that person or their contractor or agent.

What Should Associations Do Now?

Although the Act does not become effective until February 28, 2027, boards should use the intervening period to review their existing governing documents and architectural rules concerning solar panels, balconies, patios and exterior modifications.

Associations should also consider adopting reasonable rules addressing the size, location and manner of installation of these devices, together with appropriate safety, maintenance, damage and indemnification requirements. Particular attention should be given to installations involving balconies, railings, exterior walls or other building components that may constitute common or limited common elements.

The Community Association Practice Group at Schenck Price will continue to monitor any regulations or additional guidance issued before the effective date. We are also available to assist associations in reviewing existing restrictions and developing appropriate rules, resolutions and procedures in advance of February 28, 2027.

For more information, contact Arnold J. Calabrese, Esq. at acalabrese@spsk.com or 973-540-8238.

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