

PAUL A. GOSAR, U.S. S.  
FOURTH DISTRICT, ARIZONA

504 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2315

122 N. CORTEZ STREET, SUITE #104  
PRESCOTT, AZ 86301  
(928) 445-1683

270 E. HUNT HIGHWAY, SUITE #12  
SAN TAN VALLEY, AZ 85143  
(480) 882-2697

220 N. 4TH STREET  
KINGMAN, AZ 86401  
(928) 445-1683

WWW.GOSAR.HOUSE.GOV



Congress of the United States  
House of Representatives  
Washington, DC 20515-0301

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December 12, 2014

The Honorable Edith Ramirez  
Chairwoman  
U.S. Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chairwoman Ramirez:

Given the rapid expansion of the rooftop solar industry, we wish to call your attention to the emergence of third-party leases for rooftop solar systems. Some of these companies that market leased solar systems to consumers as a way to leverage promoting solar leasing products are actually acting as sellers of financial products, leveraging the federal Investment Tax Credit (ITC) and applicable state renewable subsidies to obtain tax equity investment for the purposes of turning a profit. Under increasing pressure from Wall Street to sign up more leasing customers before the ITC expires, these companies are reported to be using potentially deceptive sales tactics - practices that, if true, merit investigation.

By way of background, the rooftop solar market has surged in recent years. This surge is, in part, due to regulatory subsidies and the increased use of third-party leasing arrangements in residential rooftop solar installations. Consumers are being enticed by solar leasing companies who offer zero-money-down leases, essentially teaser rates, for a 20 year lease agreement. Industry analysts predict that a vast majority of rooftop solar installations across the nation will be financed through long-term, third-party leases in 2014. One of the largest solar leasing companies, has a stated goal of committing one million customers to long-term contracts by 2018. As a very new industry with a limited track record and little regulatory oversight, the solar leasing market may pose a considerable risk to the increasingly large numbers of American consumers that commit to the leasing product without all of the relevant information (not to mention the American taxpayer, who heavily subsidizes each rooftop solar project).

Of particular concern, is the possibility that these third party leasing companies may be utilizing deceptive marketing strategies that overstate the savings the homeowner will receive, while understating the risks associated with agreeing to a decades-long lease that is often secured by a second deed of trust to the house – a financial commitment that will likely exceed both the life of the roof and duration of the lessor's home ownership. National solar leasing companies have aggressively marketed the zero-money-down leases to homeowners in select states. In fact, one of the largest solar leasing companies has partnered with a strategic sales company that sold large numbers of subprime mortgages to unsuspecting homeowners in the run up to the subprime mortgage crisis.<sup>1</sup> Class action lawsuits have been filed in

<sup>1</sup> [http://www.nbcnews.com/id/27844894/ns/business-stocks\\_and\\_economy/t/fh#.VIIGuzHF9ul](http://www.nbcnews.com/id/27844894/ns/business-stocks_and_economy/t/fh#.VIIGuzHF9ul) ;  
<http://www.oregonlive.com/business/oregonian/index.ssf?/base/business/1216866352224170.xml> ;  
<http://www.solarcity.com/newsroom/press/solarcity-acquire-paramount-solar-first-step-toward-million-customer-goal> ;  
<http://blog.seattlepi.com/realestatenews/2009/05/15/mortgage-company-settles-with-state/>

California and Louisiana by homeowners alleging **fraudulent** marketing and overstating potential savings from zero-money-down leases.<sup>2</sup> In addition, **numerous** reports **have found** that homeowners who have signed these zero-money-down leases are struggling to sell their homes, indicating that they were not fully aware of the terms of their 20-30 year lease commitments.<sup>3</sup>


Consumer protection and fairness require a clear explanation of possible risks. Fairness also requires accurate factual assumptions when presenting the options to consumers. As it stands, solar consumers are likely not aware of these risks. A key concern is that if these leases are not offered in good faith or with accurate disclosures, the entire solar industry could be tainted.


Therefore, we ask that you respond to the following questions:

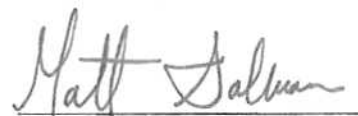
1. What options exist to ensure consumers are fully apprised of the costs and benefits of solar leasing arrangements, including potential financial risks? At a minimum there appears to exist a need for a resource center for consumers to weigh risks before making a financial commitment.
2. In the unlikely event of a company or market failure, what recourse exists for the end consumer to be held harmless for the remainder of the lease? After the recent housing crisis it seems only reasonable for consumers to know their recourse should they need one.
3. What level of coordination and information-sharing does the **Commission** have with state-level consumer protection offices with other similar type financial services?
4. What options exist to ensure that consumers are fully apprised of the costs and benefits of solar leasing arrangements, including potential financial risks?
5. Has the **Commission** received any complaints pertaining to solar lease contracts? Have any of these complaints involved the use of potentially erroneous information by marketing personnel to increase the attractiveness of solar leases?

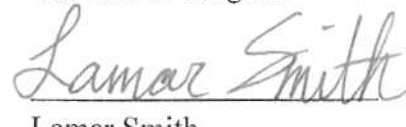
Thank you for your attention to the issues raised by this letter; we look forward to your timely response. As always, we ask that this matter be handled in strict accordance with the existing agency rules, regulations, and ethical guidelines. Should you need have any questions please contact Jeff Small at [Jeff.Small@mail.house.gov](mailto:Jeff.Small@mail.house.gov)

Sincerely,

  
Paul A. Gosar, D.D.S.  
Member of Congress

  
Trent Franks  
Member of Congress

  
Matt Salmon  
Member of Congress

  
Lamar Smith  
Member of Congress

<sup>2</sup> <http://topclassactions.com/lawsuit-settlements/lawsuit-news/4404-sunrun-deceptive-marketing-class-action-moves-forward/>;  
<http://theadvocate.com/news/neworleans/neworleansnews/8349370-123/suit-filed-against-solar-company>

<sup>3</sup> <http://www.npr.org/2014/07/15/330769382/leased-solar-panels-can-cast-a-shadow-over-a-homes-value> ;  
<http://www.bloomberg.com/news/2014-06-23/rooftop-solar-leases-scaring-buyers-when-homeowners-sell.html>