

“Right to Dry” Laws: Protecting the Environment Over Aesthetic Considerations

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This article discusses the development and passage by state legislatures of “right to dry laws” which counter the trend of homeowners associations and condominiums banning the presence of clotheslines because of aesthetics and a concern for property values. Some states have passed laws using the terms “solar energy systems”, “solar energy devices” or “solar collectors” but do not mention the term clotheslines. The problem is that the use of dryers has become so common that most people do not even consider using clotheslines. But dryers use a great amount of energy and produce large quantities of greenhouse gas emissions producing 179 million tons of metric carbon dioxide each year. Also, the use of dryers takes a toll causing more wear and tear and shortening the life of clothes. With the impetus toward the use of natural sources of energy like wind and solar, environmentalists should consider lobbying state legislatures to pass laws overruling restrictive covenants that currently ban clotheslines. In light of the urgent concerns about global warming and energy conservation, aesthetic considerations should recede in importance.

Keywords: environment, solar drying devices, covenants, clotheslines, aesthetics

INTRODUCTION

In recent years it has been common for condominium complexes and other homeowners’ associations to ban members or residents from having clotheslines on the premises. The reasons for these rules are largely based on aesthetics. Laundry drying outdoors is unsightly and may cause a diminution of property values.

If one could turn back the clock fifty years and beyond, the presence of clotheslines was a common sight. Housewives routinely hung washed clothing outside to dry in the fresh air. That practice was reversed in the 1980s when line drying clothes was considered *déclassé*, evidence that one was too poor to afford a dryer.

The trend in the United States has been to eschew clotheslines. Yet in Europe, people routinely dry clothes outside. (Slatella, 2019)

The clothesline-averse culture seems to have begun in the United States with the introduction of the dryer in 1938. The machine was invented by J. Ross Moore, who lived in North Dakota. (Slatella, 2019) That state’s harsh winters posed a challenge to even to the hardiest of housewives who would find their clothes frozen stiff to the lines.

General Electric heavily marketed the dryer and acquiring one, along with a washing machine and dishwasher, was evidence that one had arrived in the middle class.

Now, however, the pendulum seems to have swung back. At least twenty states¹ have passed “right to dry” laws which bar cities, towns, and homeowners’ associations from outlawing clotheslines or “solar energy” systems. (David, 2018)

The country has begun to recognize the implications of climate change and the importance of energy conservation. Instead of being viewed as a sign of poverty, lines are being valued as a “green” and natural way to take care of ones’ clothes. (David, 2018)

It is estimated that Americans do about 300 loads of laundry annually. Washers and dryers consume a large amount of energy, producing greenhouse gas emissions. It is estimated that residential laundry use in the United States produces 179 million metric tons of carbon dioxide emissions each year. (Mandel, 2019) Even though their energy efficiency has increased dramatically in the past twenty years, washing machines also use a lot of energy just in heating the water.

By far the biggest energy hog is the dryer. Most dryers take in air, heat it and evaporate the water from the clothes and then vent the air outside, which is extremely energy inefficient. (Mandel, 2019) According to the California Energy Commission, the average dryer, during its life costs \$1500 to operate. (David, 2018)

In addition, using solar energy to dry clothes allows them to last longer. Clothes that are put in a dryer endure more wear and tear. The sun is also a natural deodorizer and sanitizer. In fact, some people prefer the smell of clothes that have been air-dried.

Why Laws Are Necessary

It is estimated that tens of millions of people in the United States live in condominiums, townhouses, or individual homes governed by a property or home-owners association. (Howland, 2012) Those who live in such communities are often covered by covenants or restrictions.

The presence of such rules can be part of the appeal of living in such a community. Some rules forbid residents from having rusting cars on the front lawn or from painting a house or unit an outlandish color. Many of these covenants however also restrict the presence of clotheslines forcing residents to use dryers. (Bray, 2015)

The right to dry laws does not provide blanket protection to those who want to use clotheslines. For example, if there is a housing complex in which there are no backyards, there can be prohibitions against hanging clothes in common areas. Also, landlords may forbid a tenant using a clothesline that might interfere with the maintenance of the property. (Bray, 2015)

Right to dry laws do not interfere with reasonable restrictions by landlords and homeowners’ associations such as the time and place for hanging laundry. There can be restrictions barring the placement of clotheslines in the front yard when a more secluded location is available. (Bray, 2015)

Content of Typical Right to Dry Laws

Florida was the first state to pass a right to dry law. The law states that no governing body may adopt ordinances that prohibit the installation of clotheslines. The law also says “no deed restrictions, covenants”, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting clotheslines. (FSA §163.04)

The law thus effectively bans municipalities, neighborhoods, condominium associations, and other community organizations from restricting the right to dry.

Utah does not create a right to dry. Its law permits municipalities not to approve or renew of any map or plan or agreement which would have the effect of prohibiting solar collectors, clotheslines, or other renewable energy devices. This law allows local governments to create a right to dry. (Utah Code 10-9a-610)

The law in Hawaii does not explicitly prohibit solar energy “devices” on privately-owned single-family homes or townhouses. The term clothesline is not used but solar energy devices are defined as:

“Any identifiable facility, equipment, apparatus, or the like, that makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent on fossil fuel for generation.” (HRS § 196-7)

A law passed by Oregon in 1979 states that any restrictions “on solar radiation as a source for heating, cooling or electrical energy are “void and unenforceable”. Under Oregon’s Solar Rights, clotheslines qualify because they depend on solar energy.

Oregon’s law is typical of those so-called solar access laws passed in the 70s of which many people are unaware. For example, one author described a development in the fashionable West Hills section of Portland consisting of 1600 single-family homes on six hundred acres. The Forest Heights marketing campaign touts its environmental commitment, citing the fact that over 200 acres is “common green space” including walking trails and a pond. On the other hand, among the covenants and restrictions governing the development, is the proviso that clotheslines must be confined to “service yards” that must not be visible from the street or neighboring property. Given the fact that lots are under a quarter acre and houses are two stories high, concealing a clothesline is impossible. This provision is unenforceable because the 1979 Oregon law supersedes it. (Howland, 2012)

Despite the fact that the term “clothesline” does not appear in many of the statutes, it would fit under states’ solar rights because clotheslines “rely on sun’s radiation to evaporate water in wet laundry.” (Howland, 2012)

In several states, there are so-called “solar access laws” which affirm the right of a property owner to install a “solar energy system”, a “solar energy device”, a “solar collector” system for obtaining “solar energy,” or a “solar energy collection device.”² While the terms differ, it is clear that these provisions allow citizens to use “the power of the sun.” (Howland, 2012)

CONCLUSION

While “right to dry” laws are in effect in only a minority of states, it is clear that issues of environmental sustainability have gained increasing prominence. States and localities have increasingly enacted bans on various items including styrofoam containers, plastic bags and straws, and encouraging reusables.

In light of these measures, many of which are small bore in nature, it is clear that encouraging the use of clotheslines is a major step in countering carbon emissions and excess energy use. It is the case that six percent of a household’s energy use is caused by using a clothes dryer which makes it, “one of the most expensive home appliances to operate.” (Bray, 2015)

While hauling clothes out to the outdoor line may be more inconvenient than simply loading them into the adjacent dryer, doing it would benefit the environment.

As one author put it, “Clotheslines are a quintessentially sustainable tool that saves money, prolongs the lifespan of laundry, and eliminates pollution.” (Howland, 2012) In light of these significant benefits, aesthetic considerations pale in significance.³

ENDNOTES

1. The states are: Arizona, California, Colorado, Florida, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Nevada, New Mexico, North Carolina, Oregon, Texas, Utah, Vermont, Virginia and Wisconsin
2. The states include Arizona, California, Illinois, Homeowners’ Energy Policy Act, Indiana, Massachusetts, Nevada, New Mexico Solar Rights Act, North Carolina, Virginia, Wisconsin.
3. See laundry-line documentary “*Drying for Freedom*” (2011)

REFERENCES

- Bray, I. (2015). *California Becomes a Right to Dry State*. Nolo's Blog. Retrieved from (<https://blog.nolo.com/blog/2015/10/16-california-becomes-a-right-to-dry-state/>)
- David, L.C. (2018). *Clotheslines and Green Initiatives: Right to Dry Laws and States*. Retrieved from (<https://soapboxie.com/misc/Right-to-Dry-States-Clotheslines-and-Green-Initiatives>)
- Howland, J. (2012). Clothesline Bans Void in 19 States. Sightline Institute. Retrieved from (<https://www.sightline.org/2012/02/21/clothesline-ban-void-in-19-states/>)
- Mandel, K. (2019, October 4). One Thing You Can Do to Counteract Climate Change, Smarter Laundry. *N.Y. Times*, A3.
- Slatella, M. (2019, June 29-30). Why Such a Reaction to My Beautiful Laundry Line? *Wall St. Journal*, D12.