

AMENDED IN SENATE JUNE 18, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1801

Introduced by Assembly Member Campos
(Principal ~~coauthor~~: ~~coauthors~~: Assembly Member ~~Members~~ Alejo
***and Williams*)**

February 21, 2012

An act to add Section 65850.55 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, as amended, Campos. Land use: fees.

(1) Existing law requires fees charged by a local agency for specified purposes to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by, $\frac{2}{3}$ of the electors. The Planning and Zoning law requires a city or county to administratively approve applications to install solar energy systems, as defined, through the issuance of a building permit or similar nondiscretionary permit.

This bill would prohibit the total fees charged by a city, county, or city and county in association with an application for the installation of a solar energy system from exceeding the actual cost to the city, county, or city and county in providing the service for which the fees are charged, as specified.

(2) The bill would also express a legislative finding and declaration that oversight of permit fees for renewable energy systems is an issue of statewide concern and not a municipal affair and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.55 is added to the Government
2 Code, to read:

3 65850.55. (a) (1) ~~Oversight of local agency fees is a matter~~
4 ~~of statewide interest and concern. Therefore, the~~ *The* Legislature
5 finds and declares that oversight of permitting fees for solar energy
6 systems is a matter of statewide concern and not a municipal affair,
7 as that term is used in Section 5 of Article XI of the California
8 Constitution. Therefore this act shall apply to all cities, including
9 charter cities. *The Legislature further finds and declares that*
10 *nothing in this bill is intended to imply approval of any other local*
11 *fees for solar systems not specifically covered by this bill.*

12 (2) For purposes of this section, the term “solar energy system”
13 shall have the same meaning as set forth by subdivision (a) of
14 Section 801.5 of the Civil Code.

15 (b) The total amount of fees charged by a city, county, or city
16 and county for an applicant to install a solar energy system shall
17 not exceed the actual costs to that city, county, or city and county
18 in providing the service for which the fees are charged.

19 (c) In determining the costs pursuant to subdivision (b), a city,
20 county, or city and county shall not do either of the following:

21 (1) Base the calculation of a fee charged pursuant to this section
22 on the valuation of the solar energy system, or any other factor not
23 directly associated with the cost to issue the permit.

24 (2) Base the calculation of the fee charged pursuant to this
25 section on the valuation of the property on which the improvement
26 is planned, or the improvement, materials, or labor costs associated
27 with the improvement.

- 1 (d) A city, county, or city and county shall separately identify
- 2 each fee assessed on an applicant for the installation of a solar
- 3 energy system on the invoice provided to the applicant.

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