

Assembly Bill No. 1801

CHAPTER 538

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

[Approved by Governor September 25, 2012. Filed with Secretary of State September 25, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, 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 a city, county, or city and county from basing the calculation of the fee charged for a solar energy system on the valuation of the solar energy system, or any other factor not directly associated with the cost to issue the permit, or from basing the calculation of the fee on the valuation of the property or the improvement, materials, or labor costs associated with the improvement. The bill would also require the city, county, or city and county to separately identify each fee assessed on the applicant for the installation of a solar energy system on the invoice provided to the applicant.

(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.

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

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

65850.55. (a) (1) The Legislature finds and declares that oversight of permitting fees for solar energy systems is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore this act shall apply to all cities, including charter cities. The Legislature further finds and declares that

nothing in this bill is intended to imply approval of any other local fees for solar systems not specifically covered by this bill.

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

(b) A city, county, or city and county, in determining fees charged for the installation of a solar energy system, shall not do either of the following:

(1) Base the calculation of the fee on the valuation of the solar energy system, or any other factor not directly associated with the cost to issue the permit.

(2) Base the calculation of the fee on the valuation of the property on which the improvement is planned, or the improvement, materials, or labor costs associated with the improvement.

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