

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1222

Introduced by Senator Leno

February 23, 2012

An act to add Chapter 7.5 (commencing with Section 66015) to Division 1 of Title 7 of the Government Code, relating to solar energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1222, as amended, Leno. Solar energy: ~~regulations:~~ *permits*.

Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. *Existing law provides that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern.* Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. ~~Existing law prohibits a city or county from denying an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.~~ *Existing law requires fees charged by a local agency for specified purposes, including permits, 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, ²/₃ of the electors.*

~~This bill would make several findings and declarations relating to clean energy. The bill would state the intent of the Legislature to enact legislation that would assist local jurisdictions to develop building standards and permitting policies to ensure that there is a streamlined process for the deployment of solar distributed generation in the residential and commercial building sectors.~~

This bill would require permit fees for rooftop solar energy systems by a city, county, or city and county, including any charter city, county, or city and county, with a population of over 10,000 residents to not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed \$300 unless certain conditions are met. This bill would require a city, county, or city and county, including any charter city, county, or city and county, to submit a report to the State Energy Resources Conservation and Development Commission, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *Rooftop solar energy systems are a leading renewable energy*
- 4 *technology that will help this state reach its energy and*
- 5 *environmental goals.*
- 6 (b) *It is anticipated that more than 1,000,000 additional rooftop*
- 7 *solar energy systems will be deployed in this state in the coming*
- 8 *years.*
- 9 (c) *Various reports show that the permitting costs associated*
- 10 *with the installation of rooftop solar energy systems varies widely*
- 11 *across jurisdictions in this state.*

1 (d) High permitting fees increase the costs of installation and
2 reduce the ability for solar to be deployed across all income
3 spectrums.

4 (e) Providing statewide permit fee standards will increase the
5 deployment of solar distributed generation, provide solar customers
6 greater installation ease, improve the state’s ability to reach its
7 clean energy goals, and create jobs in this state.

8 SEC. 2. Chapter 7.5 (commencing with Section 66015) is added
9 to Division 1 of Title 7 of the Government Code, to read:

10
11 CHAPTER 7.5. FEES FOR ROOFTOP SOLAR ENERGY SYSTEMS
12

13 66015. (a) A city, county, or city and county, including any
14 charter city, county, or city and county, with a population of over
15 10,000 residents shall not charge permit fees for rooftop solar
16 energy systems that exceed the estimated reasonable cost of
17 providing the service for which the fee is charged, which shall not
18 exceed three hundred dollars (\$300).

19 (b) A city, county, or city and county, including any charter city,
20 county, or city and county, may charge permit fees for rooftop
21 solar energy systems that exceed three hundred dollars (\$300) if,
22 as part of the report filed pursuant to subdivision (c), it provides
23 a calculation related to the administrative cost to issue the permit.

24 (c) A city, county, or city and county, including any charter city,
25 county, or city and county, shall submit a report to the State Energy
26 Resources Conservation and Development Commission, no later
27 than December 1, 2013, with all of the following information:

28 (1) Whether its jurisdiction has modernized their building
29 standards code and permitting procedures to reduce costs for the
30 installation of rooftop solar energy systems based on state law
31 and the most current guidelines developed by the California
32 Building Standards Commission.

33 (2) Whether it has adopted fees that equal the administrative
34 cost related to the issuance of a permit for rooftop solar energy
35 system installation.

36 (3) Whether it has an electronic permit submittal process
37 available to the public.

38 (d) It is the intent of the Legislature that a city, county, or city
39 and county, including any charter city, county, or city and county,
40 that meets the obligations of subdivisions (a) and (b) receive

1 *priority access to state and federal funds for the purposes of*
2 *distributed energy generation planning, permitting, training, or*
3 *implementation.*

4 *SEC. 3. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

9 ~~SECTION 1. The Legislature finds and declares all of the~~
10 ~~following:~~

11 ~~(a) The state should assist local jurisdictions to deploy clean~~
12 ~~energy distributed generation technology in order to meet state~~
13 ~~clean energy goals and create jobs in this state.~~

14 ~~(b) The state can aid local jurisdictions to develop consistent~~
15 ~~statewide building standards and recommended permitting~~
16 ~~guidelines and permit fees for basic rooftop solar equipment~~
17 ~~installation.~~

18 ~~(c) Providing low-cost, consistent building standards and permit~~
19 ~~fees will increase the deployment of solar distributed generation,~~
20 ~~provide solar customers greater installation ease, improve the~~
21 ~~state's ability to reach clean energy goals, and create jobs in this~~
22 ~~state.~~

23 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~
24 ~~that would assist local jurisdictions to develop building standards~~
25 ~~and permitting policies to ensure that there is a streamlined process~~
26 ~~for the deployment of solar distributed generation in the residential~~
27 ~~and commercial building sectors.~~