

AMENDED IN SENATE APRIL 19, 2021

AMENDED IN SENATE APRIL 12, 2021

AMENDED IN SENATE APRIL 5, 2021

AMENDED IN SENATE MARCH 18, 2021

**SENATE BILL**

**No. 617**

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**Introduced by Senator Wiener**

(Principal coauthor: Assembly Member Chiu)

**(Coauthors: ~~Senators Becker and Becker~~, Newman, and Stern)**

(Coauthor: Assembly Member Robert Rivas)

February 18, 2021

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An act to add Section 65850.52 to the Government Code, relating to solar energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as amended, Wiener. Residential solar energy systems: permitting.

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 requires every city, county, or city and county, to develop a streamlined permitting process for the installation of small residential rooftop solar energy systems, as that term is defined. Existing law prescribes and limits permit fees that a city or county may charge for a residential and commercial solar energy system.

Existing law grants the Public Utilities Commission (PUC) regulatory authority over public utilities, including electrical corporations, as defined. Decisions of the PUC adopted the California Solar Initiative, which is administered by electrical corporations and subject to the

PUC's supervision. Existing law requires the PUC and the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake certain steps in implementing the California Solar Initiative. A violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Existing law specifies that the financial components of the California Solar Initiative include, among other programs, programs for the installation of solar energy systems on new construction, which collectively are known as the New Solar Homes Partnership Program. Existing law requires the program, which is administered by the Energy Commission, to be funded by charges in the amount of \$400,000,000 collected from customers of the state's 3 largest electrical corporations. If specified moneys are exhausted, existing law authorizes the PUC to require each of those electrical corporations to continue the program pursuant to guidelines established by the Energy Commission for the program until the \$400,000,000 monetary limit is reached. If the PUC requires the continuation of the program, existing law requires any funding made available to be encumbered no later than June 1, 2018, and disbursed no later than December 31, 2021. Existing law makes the provisions of the program inoperative on June 1, 2018.

This bill would require every city and county to implement an online, automated permitting platform that verifies code compliance and instantaneously issues permits for a residential photovoltaic solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating and an energy storage system paired with a residential photovoltaic solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating, as specified. The bill would require a city or county to amend a certain ordinance to authorize a residential solar energy system and an energy storage system to use the online, automated permitting platform. ~~The bill would require a city, county, or fire department, district, or authority to provide the option of remote inspections by real-time or recorded video or photo for a residential photovoltaic solar energy system and battery storage systems paired with a residential photovoltaic solar energy system permitted under these provisions. The bill would require that the remote inspections be offered at no greater cost, and be available with no greater delay, than in-person inspections. The bill would authorize these entities to require only one of these inspections, except as specified. The bill would prescribe a compliance schedule for satisfying these requirements,~~

which would exempt a county with a population of less than 150,000 and all cities within a county with a population of less than 150,000. The bill would require a city with a population of ~~10,001 to 50,000, inclusive~~, *50,000 or less* that is not otherwise ~~exempt~~, *exempt* to satisfy these requirements by September 30, 2023, while cities and counties with populations greater than ~~50,000~~, *50,000* that are not otherwise ~~exempt~~, *exempt* would be required to satisfy the requirements by September 30, 2022. The bill would require a city, county, or a fire department, district, or authority to report to the Energy Commission when it is in compliance with specified requirements, in addition to other information. By increasing the duties of local officials, this bill would impose a state-mandated local program. The bill would prohibit the provision of specified funding sources to cities and counties not in compliance with certain provisions relating to solar energy systems and fees charged for their installation or if they are not in compliance with provisions of the bill.

The bill would authorize the Energy Commission to provide technical assistance and grant funding to cities and counties in order to support the above-described requirements. The bill would require the commission to develop grant guidelines and other requirements, as specified, by May 1, 2022, and make applications available no later than June 1, 2022. The bill would require the PUC to require the Pacific Gas and Electric Company, the Southern California Edison Company, and the San Diego Gas and Electric Company to repurpose \$20,000,000 supporting the New Solar Homes Partnership Program, as specified, to providing technical assistance and grant funding and to pay the Energy Commission's program administrative ~~costs~~, *costs, as specified*. Because this requirement would expand the definition of a crime, this bill would impose a state-mandated local program. The bill would require the Energy Commission to set guidelines for cities and counties to report to the commission on the number of permits issued for ~~residential photovoltaic~~ solar energy systems *and an energy storage system paired with a solar energy system* and the relevant characteristics of those systems.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 65850.52 is added to the Government  
 2 Code, to read:  
 3 65850.52. (a) For purposes of this section:  
 4 (1) “Energy Commission” means the State Energy Resources  
 5 Conservation and Development Commission.  
 6 (2) “Energy storage system” means commercially available  
 7 technology, located behind a customer’s utility meter, that is  
 8 capable of absorbing electricity generated from a colocated  
 9 electricity generator or from the electric grid, storing it for a period  
 10 of time, and thereafter discharging it to meet the energy or power  
 11 needs of the host customer or for export.  
 12 (3) ~~“Photovoltaic solar~~ “Solar energy system” means any of  
 13 ~~the following:~~ *configuration of solar energy devices that collects*  
 14 *and distributes solar energy for the purpose of generating*  
 15 *electricity and that has a single interconnection with the electric*  
 16 *utility transmission or distribution network.*  
 17 ~~(A) A solar collector or other solar energy device the primary~~  
 18 ~~purpose of which is to provide for the collection, storage, and~~  
 19 ~~distribution of solar energy for electricity generation.~~  
 20 ~~(B) Any of the following structural design features:~~  
 21 ~~(i) Solar racking, solar mounting, solar trackers, solar carports,~~  
 22 ~~solar shade structures, solar awnings, solar canopies, and solar~~  
 23 ~~patio covers, regardless of whether the feature is on the ground or~~  
 24 ~~on a structure.~~  
 25 ~~(ii) A design feature the primary purpose of which is to provide~~  
 26 ~~for the collection, storage, and distribution of solar energy for~~  
 27 ~~electricity generation.~~  
 28 ~~(iii) A photovoltaic device or technology that is integrated into~~  
 29 ~~a building, including, but not limited to, photovoltaic windows,~~  
 30 ~~siding, and roofing shingles or tiles.~~

1 ~~(4) “Residential photovoltaic solar energy system” is a~~  
2 ~~photovoltaic solar energy system that is installed on a single family~~  
3 ~~dwelling.~~

4 ~~(5)~~

5 (4) “SolarAPP” means the most recent version of a web-based  
6 portal, developed by the National Renewable Energy Laboratory,  
7 United States Department of Energy, that automates plan review,  
8 produces code-compliant approvals, and issues permits for  
9 residential photovoltaic solar energy systems and energy storage  
10 systems paired with residential photovoltaic solar energy systems.

11 (b) Pursuant to the compliance schedule in subdivision (d), a  
12 city, county, or city and county, in consultation with the local fire  
13 department, district, or authority shall implement an online,  
14 automated permitting platform, such as ~~SolarAPP~~ *SolarAPP*, that  
15 verifies code compliance and issues permits in real time *to a*  
16 *licensed contractor* for a residential photovoltaic solar energy  
17 system that is no larger than 38.4 kilowatts alternating current  
18 nameplate rating and an energy storage system paired with a  
19 residential photovoltaic solar energy system that is no larger than  
20 38.4 kilowatts alternating current nameplate rating, and is  
21 consistent with the system parameters and configurations, including  
22 an inspection checklist, of SolarAPP. Consistent with the same  
23 compliance schedule, a city, county, or city and county shall amend  
24 its ordinance adopted pursuant to subdivision (g) of Section  
25 65850.5 to authorize a residential solar energy system and an  
26 energy storage system to use the online, automated permitting  
27 platform.

28 ~~(e) (1) Pursuant to the compliance schedule in subdivision (d),~~  
29 ~~a city, county, city and county, or fire department, district, or~~  
30 ~~authority shall provide an option for remote inspections by~~  
31 ~~real-time or recorded video or photo for a residential photovoltaic~~  
32 ~~solar energy system and battery storage systems paired with a~~  
33 ~~residential photovoltaic solar energy permitted in accordance with~~  
34 ~~subdivision (b). These inspections may be scheduled electronically~~  
35 ~~via email, the online, automated permitting platform pursuant to~~  
36 ~~subdivision (b), or other electronic means. Remote inspections~~  
37 ~~shall be offered at no greater cost, and shall be available with no~~  
38 ~~greater delay, than in-person inspections.~~

39 (2) For a residential photovoltaic solar energy system and battery  
40 storage systems paired with a residential photovoltaic solar energy

1 system permitted in accordance with subdivision (b), only one  
 2 inspection shall be required, which shall be done in a timely manner  
 3 and may include a consolidated inspection, provided that a separate  
 4 fire safety inspection may be performed in a city, county, or city  
 5 and county that does not have an agreement with a local fire  
 6 department, district, or authority to conduct a fire safety inspection  
 7 on behalf of the fire department, district, or authority. An additional  
 8 in-person inspection may be required if a residential photovoltaic  
 9 solar energy system fails inspection or if an inspector cannot verify  
 10 compliance by remote means.

11 ~~(d)~~

12 (c) (1) A county with a population of less than 150,000, and  
 13 all cities within a county with a population of less than 150,000,  
 14 are exempt from subdivisions (b) and (e): *subdivision (b)*.

15 (2) A city with a population of ~~10,001 to 50,000, inclusive,~~  
 16 *50,000 or less* that is not exempt pursuant to paragraph (1) shall  
 17 satisfy the requirements of subdivisions (b) and (e) *subdivision (b)*  
 18 no later than September 30, 2023.

19 (3) A city, county, or city and county with a population of  
 20 greater than 50,000 that is not exempt pursuant to paragraph (1)  
 21 shall satisfy the requirements of subdivisions (b) and (e)  
 22 *subdivision (b)* no later than September 30, 2022.

23 ~~(e)~~

24 (d) The Energy Commission may provide technical assistance  
 25 and grant funding to city, county, or city and county, in order to  
 26 support the implementation of online, automated permitting for a  
 27 residential photovoltaic solar energy system and an energy storage  
 28 system paired with a residential photovoltaic solar energy system,  
 29 the implementation of remote inspections for a residential  
 30 photovoltaic solar energy system and an energy storage system  
 31 paired with a residential photovoltaic solar energy system, and  
 32 *solar energy system and for compliance with the requirements of*  
 33 *subdivisions (b) and (e) subdivision (b)* in a timely manner.

34 (1) The Energy Commission shall develop grant guidelines and  
 35 other requirements in a public process by May 1, 2022, and make  
 36 applications available no later than June 1, 2022.

37 (2) The Energy Commission shall prioritize processing grant  
 38 applications from local jurisdictions serving low-income  
 39 communities, disadvantaged communities as defined by the  
 40 California Communities Environmental Health Screening Tool,

1 also known as CalEnviroScreen 3.0, or those containing high  
2 fire-threat districts as defined in subdivision (h) of Section 3280  
3 of the Public Utilities Code.

4 (3) The Public Utilities Commission shall require Pacific Gas  
5 and Electric Company, Southern California Edison Company, and  
6 San Diego Gas and Electric Company to repurpose twenty million  
7 dollars (\$20,000,000) of funds supporting the New Solar Homes  
8 Partnership Program, pursuant to paragraph (3) of subdivision (e)  
9 of Section 2851 of the Public Utilities Code, for providing *the*  
10 technical assistance and grant funding *described in this subdivision*  
11 and to provide for the Energy Commission’s costs to administer  
12 the program. Notwithstanding subparagraph (B) of paragraph (3)  
13 of subdivision (e) of Section 2851 of the Public Utilities Code,  
14 these funds may be disbursed after December 31, 2021.

15 (f)

16 (e) A city, county, city and county, or a fire department, district,  
17 or authority shall report to the Energy Commission when it is in  
18 compliance with ~~subdivisions (b) and (c)~~ *subdivision (b)*.

19 (g)

20 (f) The Energy Commission shall set guidelines for cities and  
21 counties to report to the commission on the number of permits  
22 issued for ~~residential photovoltaic~~ solar energy systems *and an*  
23 *energy storage system paired with a solar energy system* and the  
24 relevant characteristics of those systems. A city, county, or city  
25 and county shall report annually to the Energy Commission  
26 pursuant to those guidelines within a year of implementing the  
27 automated solar permitting system pursuant to subdivision (b).

28 (h)

29 (g) (1) A city, county, or city and county that is not in  
30 compliance with Section 65850.5 or 66015 is not eligible to receive  
31 the funding available pursuant to subdivision (e). A city, county,  
32 or city and county shall self-certify its compliance with Section  
33 65850.5 or 66015 when applying for funds from a state-sponsored  
34 or state-administered grant or loan program.

35 (2) A city, county, or city and county that is not in compliance  
36 with ~~subdivisions (b) and (c)~~ *subdivision (b)* is not eligible to  
37 receive funds from a state-sponsored or state-administered solar  
38 or energy storage grant or loan program, other than the funding  
39 available in subdivision (e). A city, county, or city and county shall  
40 certify its compliance with the requirements of ~~subdivisions (b)~~

1 ~~and~~(e) *subdivision (b)* when applying for funds from a  
2 state-sponsored or state-administered grant or loan program.

3 (i)

4 (h) Nothing in this section shall be construed to limit or  
5 otherwise affect the generator interconnection requirements and  
6 approval process for a local publicly owned electric utility, as  
7 defined in Section 224.3 of the Public Utilities Code.

8 (j)

9 (i) Nothing in this section shall be construed to increase or  
10 otherwise affect the liability of a local agency pertaining to a solar  
11 energy system *or an energy storage system paired with a solar*  
12 *energy system* installed pursuant to this section.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution for certain  
15 costs that may be incurred by a local agency or school district  
16 because, in that regard, this act creates a new crime or infraction,  
17 eliminates a crime or infraction, or changes the penalty for a crime  
18 or infraction, within the meaning of Section 17556 of the  
19 Government Code, or changes the definition of a crime within the  
20 meaning of Section 6 of Article XIII B of the California  
21 Constitution.

22 However, if the Commission on State Mandates determines that  
23 this act contains other costs mandated by the state, reimbursement  
24 to local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.