

AMENDED IN SENATE JANUARY 12, 2022

AMENDED IN SENATE JANUARY 3, 2022

AMENDED IN SENATE MAY 4, 2021

AMENDED IN SENATE APRIL 8, 2021

AMENDED IN SENATE MARCH 7, 2021

SENATE BILL

No. 379

Introduced by Senator Wiener

February 10, 2021

An act to add Section 65850.52 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 379, as amended, Wiener. Residential solar energy systems: permitting.

Existing law requires a city or county to approve administratively 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 creates the State Energy Resources Conservation and Development Commission (Energy Commission) in the Natural Resources Agency and prescribes its duties, which include administering programs for the installation of solar energy systems.

This bill would require every city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and ~~instantaneously~~ issues permits *in real time* for a solar energy ~~system~~ *system, as defined*, that is no larger than 38.4 kilowatts alternating current nameplate rating and an energy storage ~~system~~ *system, as defined*, paired with a solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating. The bill would require a city, county, or city and 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.

This bill would prescribe a compliance schedule for satisfying these requirements, which would exempt a *city with a population of fewer than 5,000 and a county with a population of fewer than 150,000 and all cities within a county with a population of fewer than 150,000. 150,000, including each city within that county.* The bill would require a city with a population of 50,000 or fewer that is not otherwise exempt to satisfy these requirements by September 30, 2024, while cities and counties with populations greater than 50,000 that are not otherwise exempt would be required to satisfy the requirements by September 30, 2023. The bill would require a city, county, or city and 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. The bill would require cities and counties to self-certify their compliance with the bill's provisions when applying for specified funds from the Energy ~~Commission. Commission, as specified.~~

~~This bill would, upon provision of sufficient funding, 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 Energy Commission to set guidelines for cities and counties to report to the commission on the number of permits issued for solar energy systems and an energy storage system paired with a solar energy system and the relevant characteristics of those systems. The bill would make related findings and declarations.~~

By increasing the duties of local officials, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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. The Legislature finds and declares all of the
2 following:

3 (a) Permitting fees or soft costs to solar and storage projects
4 can add substantial time and money to the adoption of additional
5 solar and storage projects.

6 ~~(b) California needs additional rooftop solar and storage projects~~
7 ~~in order to meet our renewable energy goals.~~

8 ~~(c)~~

9 (b) To meet its clean energy goals, California ~~needs~~ *may need*
10 up to six gigawatts of new renewable and storage resources
11 ~~annually~~; *annually, including additional rooftop solar and storage*
12 *projects.*

13 ~~(d)~~

14 (c) Per the 2021 Senate Bill 100 Joint Agency Report, Achieving
15 100% Clean Electricity in California, development of rooftop solar
16 must increase dramatically.

17 ~~(e)~~

18 (d) Because the 2021 budget included a \$20 million
19 appropriation to the Energy Commission for grants to all
20 jurisdictions that adopt the SolarAPP+ or a similar program in
21 order to expedite permitting, local permitting jurisdictions can and
22 should be required to adopt SolarAPP+ or a similar program for
23 automated permitting in order to promote the development of solar
24 and storage to help meet the state's clean energy needs.

25 SEC. 2. Section 65850.52 is added to the Government Code,
26 immediately following Section 65850.5, to read:

27 65850.52. (a) For purposes of this section, the following
28 definitions apply:

29 (1) "Energy Commission" means the State Energy Resources
30 Conservation and Development Commission.

31 (2) "Energy storage system" means commercially available
32 technology, located behind a customer's *residential* utility meter,
33 that is capable of absorbing electricity generated from a colocated

1 electricity generator or from the electrical grid, storing it for a
2 period of time, and thereafter discharging it to meet the energy or
3 power needs of the host customer or for export.

4 (3) “Solar energy system” means any configuration of solar
5 energy devices that collects and distributes solar energy for the
6 purpose of generating electricity and that has a single *residential*
7 interconnection with the electric utility transmission or distribution
8 network.

9 (4) “SolarAPP+” means the most recent version of a web-based
10 portal, developed by the National Renewable Energy Laboratory,
11 that automates plan review, produces code-compliant approvals,
12 and issues permits for solar energy systems and energy storage
13 systems paired with solar energy systems.

14 (b) ~~Pursuant~~—(1) *Pursuant* to the compliance schedule in
15 subdivision—(d), (c), a city, county, or city and county, in
16 consultation with the local fire department, district, or authority,
17 shall implement an online, automated permitting platform, such
18 as SolarAPP+, that—~~verifies~~ *meets both of the following*
19 *requirements:*

20 (A) *The platform verifies* code compliance and issues permits
21 in real time to a licensed contractor for a solar energy system that
22 is no larger than 38.4 kilowatts alternating current nameplate rating
23 and an energy storage system paired with a solar energy system
24 that is no larger than 38.4 kilowatts alternating current nameplate
25 ~~rating, and is rating.~~

26 (B) *The platform is* consistent with the system parameters and
27 configurations, including an inspection checklist, of SolarAPP+.
28 ~~Consistent~~

29 (2) *Consistent* with the same compliance schedule, a city,
30 county, or city and county shall amend its ordinance adopted
31 pursuant to subdivision (g) of Section 65850.5 to authorize a
32 ~~residential~~ solar energy system and an energy storage system to
33 use the online, automated permitting platform.

34 (3) *A city, county, or city and county is not required to permit*
35 *an application for a solar energy system or energy storage system*
36 *through the online automated permitting platform pursuant to this*
37 *section if the system configuration is not eligible for SolarAPP+*
38 *at the time the application is submitted to the jurisdiction.*

39 (c) (1) *A city with a population of fewer than 5,000 and a*
40 *county with a population of fewer than 150,000, and all cities*

1 ~~within a county with a population of fewer than 150,000, are~~
2 ~~including each city within that county, is exempt from subdivision~~
3 ~~(b).~~

4 (2) A city with a population of 50,000 or fewer that is not
5 exempt pursuant to paragraph (1) shall satisfy the requirements of
6 subdivision (b) by September 30, 2024.

7 (3) A city, county, or city and county with a population of
8 greater than 50,000 that is not exempt pursuant to paragraph (1)
9 shall satisfy the requirements of subdivision (b) by September 30,
10 2023.

11 ~~(d) Upon provision of sufficient funding, the Energy~~
12 ~~Commission may provide technical assistance and grant funding~~
13 ~~to a city, county, or city and county to support the implementation~~
14 ~~of online, automated permitting for a solar energy system and an~~
15 ~~energy storage system paired with a solar energy system and for~~
16 ~~compliance with the requirements of subdivision (b) in a timely~~
17 ~~manner.~~

18 ~~(e)~~
19 (d) A city, county, or city and county, or a fire department,
20 district, or authority, shall report to the Energy Commission when
21 it is in compliance with subdivision (b).

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

32 ~~(g)~~
33 (f) A city, county, or city and county shall self-certify its
34 compliance with this section when applying for funds from the
35 Energy Commission *after the applicable date in the compliance*
36 *schedule in subdivision (c)*, other than the twenty million dollars
37 (\$20,000,000) in funds available, pursuant to Section 76 of Chapter
38 69 of the Statutes of 2021, from the Energy Commission for
39 automated solar permitting.

40 ~~(h)~~

1 (g) This section does not limit or otherwise affect the generator
2 interconnection requirements and approval process for a local
3 publicly owned electric utility, as defined in Section 224.3 of the
4 Public Utilities Code, or an electrical corporation, as defined in
5 Section 218 of the Public Utilities Code.

6 (i)

7 (h) This section does not increase or otherwise affect the liability
8 of a local agency pertaining to a solar energy system or an energy
9 storage system paired with a solar energy system installed pursuant
10 to this section.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.