

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1534

Introduced by Senator Bowen

February 20, 2002

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An act to amend Section 714 of the Civil Code, relating to solar energy systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 1534, as amended, Bowen. Solar energy systems: ~~intent~~.

*Existing law provides that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting real property, as specified, that prohibits or restricts the installation or use of a solar energy system is void and unenforceable. Existing law requires that solar collectors meet the standards and requirements imposed by state and local permitting authorities, and specifically requires, in this regard, certification by the Solar Rating Certification Corporation or other nationally recognized certification agencies. Existing law requires this certification to be for the entire solar energy system and installation.*

*This bill would delete the requirements regarding state and local standards and certification described above, and instead require that a solar energy system meet all applicable safety and performance standards established by the National Electrical Code and the Institute of Electrical and Electronics Engineers, among others, and applicable rules of the Public Utilities Commission.*

~~Chapter 17 of the Statutes of the 2001-02 Second Extraordinary Session, which will go into effect on the 91st day after the final adjournment of the 2001-02 Second Extraordinary Session, until January 1, 2006, will require the State Energy Resources Conservation~~

and Development Commission to develop a grant program to offset a portion of the cost of eligible solar energy systems.

~~This bill would declare the intent of the Legislature to remove restrictions that have the effect of inhibiting homeowners from installing solar energy panels on their property.~~

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. It is the intent of the Legislature to enact an act~~  
2     ~~that removes restrictions that have the effect of inhibiting~~  
3     ~~homeowners from installing solar energy panels on their property.~~

4     ~~SECTION 1. Section 714 of the Civil Code is amended to~~  
5     ~~read:~~

6     714. (a) Any covenant, restriction, or condition contained in  
7     any deed, contract, security instrument, or other instrument  
8     affecting the transfer or sale of, or any interest in, real property that  
9     effectively prohibits or restricts the installation or use of a solar  
10    energy system is void and unenforceable.

11    (b) This section shall not apply to provisions which impose  
12    reasonable restrictions on solar energy systems. However, it is the  
13    policy of the state to promote and encourage the use of solar energy  
14    systems and to remove obstacles thereto. Accordingly, reasonable  
15    restrictions on a solar energy system are those restrictions that do  
16    not significantly increase the cost of the system or significantly  
17    decrease its efficiency or specified performance, or that allow for  
18    an alternative system of comparable cost, efficiency, and energy  
19    conservation benefits.

20    (c) ~~Solar collectors shall meet applicable standards and~~  
21    ~~requirements imposed by state and local permitting authorities.~~  
22    ~~Specifically, solar energy systems shall be certified by the Solar~~  
23    ~~Rating Certification Corporation (SRCC) or other nationally~~  
24    ~~recognized certification agencies. SRCC is a nonprofit third-party~~  
25    ~~supported by the United States Department of Energy. The~~  
26    ~~certification shall be for the entire solar energy system and~~  
27    ~~installation. A solar energy system shall meet all applicable safety~~  
28    ~~and performance standards established by the National Electrical~~  
29    ~~Code, the Institute of Electrical and Electronics Engineers, and~~  
30    ~~accredited testing laboratories such as Underwriters Laboratories~~

1 *and, where applicable, rules of the Public Utilities Commission*  
2 *regarding safety and reliability.*

3 (d) For the purposes of this section:

4 (1) “Significantly” means an amount exceeding 20 percent of  
5 the cost of the system or decreasing the efficiency of the solar  
6 energy system by an amount exceeding 20 percent, as originally  
7 specified and proposed.

8 (2) “Solar energy system” has the same meaning as defined in  
9 Section 801.5.

10 (e) Whenever approval is required for the installation or use of  
11 a solar energy system, the application for approval shall be  
12 processed and approved by the appropriate approving entity in the  
13 same manner as an application for approval of an architectural  
14 modification to the property, and shall not be willfully avoided or  
15 delayed.

16 (f) Any entity, other than a public entity, that willfully violates  
17 this section shall be liable to the applicant or other party for actual  
18 damages occasioned thereby, and shall pay a civil penalty to the  
19 applicant or other party in an amount not to exceed one thousand  
20 dollars (\$1,000).

21 (g) In any action to enforce compliance with this section, the  
22 prevailing party shall be awarded reasonable attorney’s fees.

