

AMENDED IN ASSEMBLY JUNE 13, 2002

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1534

Introduced by Senator Bowen

February 20, 2002

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.

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~~ *additionally* 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.

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

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

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

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

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

(c) *Solar collectors shall meet applicable standards and requirements imposed by state and local permitting authorities. Specifically, solar energy systems shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agencies. SRCC is a nonprofit third-party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.* A solar energy system shall also meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

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

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

(e) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be

1 processed and approved by the appropriate approving entity in the
2 same manner as an application for approval of an architectural
3 modification to the property, and shall not be willfully avoided or
4 delayed.

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

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

