

AMENDED IN SENATE JUNE 11, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1407

Introduced by Assembly Member Wolk

February 21, 2003

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1407, as amended, Wolk. 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, as specified.

This bill would specify that a public entity is subject to the requirements described above, and may not receive funds from a state-sponsored grant or loan program for solar energy if it fails to comply with these requirements. *The bill would require a public entity to certify that it is meeting these requirements when applying for these grants on loans.* This bill would ~~also specify that prohibit~~ a local public entity ~~may not except from excepting~~ residents in its jurisdiction from these requirements. *The bill would also establish the particular standards that solar energy systems for heating water and producing electricity must meet, and would make a clarifying change.*

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

3 714. (a) (1) Any covenant, restriction, or condition
4 contained in any deed, contract, security instrument, or other
5 instrument affecting the transfer or sale of, or any interest in, real
6 property that effectively prohibits or restricts the installation or use
7 of a solar energy system is void and unenforceable.

8 (2) (A) A public entity is subject to the requirements of this
9 section, and may not receive funds from a state-sponsored grant or
10 loan program for solar energy if it fails to comply with these
11 requirements. *A public entity shall certify its compliance with the*
12 *requirements of this section when applying for funds from a*
13 *state-sponsored grant or loan program.*

14 (B) A local public entity may not except residents in its
15 jurisdiction from the requirements of this section.

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

25 ~~(c) Solar collectors—(1) A solar energy system shall meet~~
26 ~~applicable standards and requirements imposed by state and local~~
27 ~~permitting authorities. Specifically, solar energy systems~~

28 (2) *A solar energy system for heating water shall be certified by*
29 *the Solar Rating Certification Corporation (SRCC) or other*
30 *nationally recognized certification agencies. SRCC is a nonprofit*
31 *third party supported by the United States Department of Energy.*
32 *The certification shall be for the entire solar energy system and*
33 *installation. A*

34 (3) (A) *solar energy system for producing electricity shall also*
35 *meet all applicable safety and performance standards established*

1 by the National Electrical Code, the Institute of Electrical and
2 Electronics Engineers, and accredited testing laboratories such as
3 Underwriters Laboratories and, where applicable, rules of the
4 Public Utilities Commission regarding safety and reliability.

5 (d) For the purposes of this section:

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

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

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

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

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

