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**CALIFORNIA
ENERGY COMMISSION**



**CALIFORNIA
NATURAL
RESOURCES
AGENCY**

California Energy Commission

PROPOSED GUIDELINES

Residential Solar Permit Reporting – Senate Bill 379

(SB 379, Wiener, Chapter 356, Statutes of 2022)

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California Energy Commission

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DISCLAIMER

These proposed Guidelines were published on December 6, 2022, and will not become final until approval by the California Energy Commission staff. The requirements in these proposed Guidelines are based on applicable law. As a draft, this document does not represent the views of the Energy Commission or of the State of California. This draft document has not been approved or disapproved by the Energy Commission, nor has the Commission passed upon the accuracy or adequacy of the information in this document.

ABSTRACT

These proposed Guidelines provide an overview and explain key terms and definitions related to Senate Bill 379 (Wiener, Chapter 356, Statutes of 2022) and the California Energy Commission's required role in facilitating compliance and reporting pursuant to this bill.

Senate Bill 379 establishes requirements for California cities and counties related to the implementation of an online, automated permitting platform such as SolarAPP+. SolarAPP+ is a web-based portal that automates plan review, produces code-compliant approvals, and allows a jurisdiction to issue permits in real time for residential solar energy systems as well as solar energy systems paired with energy storage. There are reporting requirements based on population size. The bill requires non-exempt cities and counties to report to the Energy Commission annually on the number of permits issued and other relevant permitting metrics.

These proposed Guidelines are made available for public comment and shall be the basis for public input at a publicly held workshop. Feedback will inform proposed final guidelines prior to being adopted at a publicly-noticed Energy Commission business meeting.

Keywords: Automated solar permit processing, residential solar energy system, energy storage, SolarAPP+, permitting, CalAPP.

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CHAPTER 1:

Introduction & Background

1. Background

Meeting California’s clean energy goals requires new renewable energy and storage resources, including residential solar and storage projects. According to the 2021 Senate Bill 100 Joint Agency Report¹, development of rooftop solar must increase dramatically to achieve 100% clean electricity in the state.

Existing law² requires a California city or county to approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit, subject to specified exceptions. Cities and counties must also develop a streamlined permitting process for the installation of small residential rooftop solar energy systems. In many cases, non-hardware costs to solar and storage projects, such as permitting, can add substantial time and money to the adoption of additional systems. Senate Bill 379 (Wiener, Chapter 356, Statutes of 2022) (SB 379) is intended to further increase access and adoption of residential solar and residential energy storage projects by supporting instantaneous plan review practices and creating consistent processes at cities and counties with certain population size for the issuance of a solar energy permit.

SB 379 was approved by Governor Newsom on September 16, 2022, and requires a city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and issues permits in real time or allows the jurisdiction to issue permits in real time for a residential solar energy system, and a residential energy storage system paired with a residential solar energy system.

The goal of SB 379 is to streamline permitting for solar energy systems to promote the development of solar energy and storage projects in the state, contributing to larger efforts that help California meet its clean energy goals.

1 <https://www.energy.ca.gov/publications/2021/2021-sb-100-joint-agency-report-achieving-100-percent-clean-electricity>

2 https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65850.5.&lawCode=GOV

2. Keywords/Terms

Table 1: Keywords and Terms

Word/Term	Definition
Energy Commission/ CEC	California Energy Commission
Guidelines	Senate Bill 379 Guidelines
Residential Energy Storage System	Commercially available technology, located behind a customer’s residential utility meter, that is capable of absorbing electricity generated from a co-located electricity generator or from the electrical grid, storing it for a period of time, and thereafter discharging it to meet the energy or power needs of the host customer or for export. ³
Residential Solar Energy System	Any configuration of solar energy devices that collects and distributes solar energy for the purpose of generating electricity and that has a single residential interconnection with the electric utility transmission or distribution network. ⁴
SB 379	Senate Bill 379 (Wiener, Chapter 356, Statutes of 2022)
SolarAPP+	The most recent version of a web-based portal, developed by the National Renewable Energy Laboratory, that automates plan review, produces code-compliant approvals, and issues permits for residential solar energy systems and residential energy storage systems paired with residential solar energy systems.

³ As defined in SB 379

⁴ As defined in SB 379

CHAPTER 2:

Requirements Identified in Statute

As noted in the text of SB 379, this bill would require every city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and issues permits in real time or allows the city, county, or city and county to issue permits in real time for a residential solar energy system and a residential energy storage system paired with a residential solar energy system. The bill prescribes a compliance schedule for satisfying these requirements.

This bill requires the CEC to set guidelines, adopted through a specified public process, for cities, counties, and cities and counties to report to the commission on the number of permits issued for residential solar energy systems and residential energy storage systems paired with residential solar energy systems and the relevant characteristics of those systems.

Details of these provisions are identified in this chapter.

1. Requirements

Pursuant to the compliance schedule in Section 3 (Compliance Schedule) below, a city, county, or city and county, in consultation with the local fire department, district, or authority, shall implement an online, automated permitting platform, such as SolarAPP+, that meets both of the following requirements:

- A. The platform verifies code compliance and issues permits in real time or allows the city, county, or city and county to issue permits in real time to a licensed contractor for a residential solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating and a residential energy storage system paired with a residential solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating.
- B. The platform issues permits or allows the city, county, or city and county to issue permits for residential solar energy systems and residential energy storage systems paired with residential solar energy systems that SolarAPP+ is capable of processing.

A city, county, or city and county is not required to permit an application for a residential solar energy system or a residential energy storage system paired with a residential solar energy system through the online automated permitting platform if the system configuration is not eligible for SolarAPP+ at the time the application is submitted to the jurisdiction.

2. Exemptions

A city with a population of fewer than 5,000 and a county with a population of fewer than 150,000, including each city within that county, is exempt from requirements in Section 1 (Requirements).

3. Compliance Schedule

A city with a population of 50,000 or fewer that is not exempt pursuant to Section 2 (Exemptions) shall satisfy the requirements of Section 1 (Requirements), by September 30, 2024.

A city, county, or city and county with a population of greater than 50,000 that is not exempt pursuant to Section 2 (Exemptions) shall satisfy the requirements of Section 1 (Requirements) by September 30, 2023.

4. Annual Reporting and CEC Requirements

A city, county, or city and county shall report to the CEC when it is in compliance with Section 1 (Requirements).

The CEC shall set guidelines for cities, counties, and cities and counties to report to the commission on the number of permits issued for residential solar energy systems and residential energy storage systems paired with residential solar energy systems and the relevant characteristics of those systems. A city, county, or city and county shall annually report to the CEC pursuant to these guidelines within one year of implementing the online, automated solar permitting system. This annual reporting requirement shall become inoperative on June 30, 2034.

The CEC shall adopt the guidelines required by this section through a public process that shall include, but shall not be limited to, both of the following requirements:

- A. The CEC shall make the proposed guidelines available for public comment for at least 30 days prior to adopting the guidelines.
- B. The CEC shall respond in writing to a public comment received during the required comment period.

The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2) shall not apply to the adoption of guidelines pursuant to this section.

CHAPTER 3:

Reporting to the CEC

Pursuant to SB 379 and as outlined in Chapter 2, Section 4, non-exempt cities, counties, and cities and counties shall annually report to the CEC following compliance with SB 379 requirements (noted in Chapter 2, Section 1) until this requirement is inoperative on June 30, 2034. Section 1 (Reporting Procedure) and Section 2 (Annual Data Reporting) below describe staff proposals regarding the process for reporting data to the CEC.

1. Reporting Procedure

An authorized representative of the non-exempt reporting city, county, or city and county shall provide information to the CEC that satisfies the reporting requirements identified in this chapter. The CEC may collect contact information of the reporting party and may verify with the city, county, or city and county that the reporting party is qualified to submit the requested information.

Reporting to the CEC is planned to be conducted electronically through an online portal that an authorized party may use to register, input, and submit information. Information and access to this portal is planned to be available on the [CEC's SB 379 webpage](https://www.energy.ca.gov/programs-and-topics/programs/residential-solar-permit-reporting-sb-379) available at <https://www.energy.ca.gov/programs-and-topics/programs/residential-solar-permit-reporting-sb-379>. From this webpage, an authorized representative of a city, county, or city and county may be able to complete and submit reporting requirements pursuant to SB 379.

Non-exempt cities, counties, and cities and counties shall submit annual reports to the CEC no later than June 30th every year following compliance until this requirement becomes inoperative on June 30, 2034. The report shall include data for the previous calendar year, being defined as January 1 through December 31. The first annual report may be a partial calendar year if compliance was attained partway into a calendar year. All annual reports thereafter shall include information covering a complete calendar year. Non-exempt cities, counties, and cities and counties are encouraged to submit an annual report as soon as possible following the end of a calendar year.

2. Data Collection

Reporting shall follow the format provided by the CEC through the [SB 379 webpage](https://www.energy.ca.gov/programs-and-topics/programs/residential-solar-permit-reporting-sb-379) available at <https://www.energy.ca.gov/programs-and-topics/programs/residential-solar-permit-reporting-sb-379>.

Staff propose the following information shall be included in each annual report:

- Name of reporting party (city, county, or city and county)
- Data submittal timeframe

- Estimated population (<https://dof.ca.gov/forecasting/demographics/>)
- Total number of permits issued for all residential solar energy systems
 - Number of permits issued for residential solar energy systems through an online, automated permitting platform.
- Total number of permits issued for all residential energy storage systems paired with residential solar energy systems
 - Number of permits issued for residential energy storage systems paired with residential solar energy systems through an online, automated permitting platform.
- Electric utility service provider(s) that covers the city, county, or city and county

3. Failure to Comply with Reporting Requirements

As noted in SB 379 statute, a city, county, or city and county shall self-certify its compliance with this section when applying for funds from the CEC after the applicable date in the compliance schedule (Chapter 2, Section 3). This does not apply to the [California Automated Permit Processing \(CalAPP\) Program](https://www.energy.ca.gov/programs-and-topics/programs/california-automated-permit-processing-program-calapp), available at <https://www.energy.ca.gov/programs-and-topics/programs/california-automated-permit-processing-program-calapp>.

Failing to comply with SB 379's requirements could lead to legal risk and consequences to cities, counties, and cities and counties. Consult with an attorney for advice about any possible risks or consequences, as the CEC does not give legal advice to others.

In addition to any other legal risks and consequences, California cities and counties that fail to comply with SB 379, including the associated reporting requirements, may be ineligible for other funding opportunities offered by the CEC. Therefore, non-exempt jurisdictions are strongly encouraged to fulfil the requirements outlined in these guidelines.

CHAPTER 4:

Administration

1. Authority

Authority for these guidelines is placed upon the CEC by Senate Bill 379 (Wiener, 2022).

The Administrative Procedure Act generally governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. SB 379 exempts these guidelines from the Administrative Procedures Act.

2. Interpretation

Nothing in these guidelines shall be construed to abridge the powers or authority of the CEC or any CEC-designated committee as specified in Division 15 of the Public Resources Code, commencing with Section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with Section 1001.

3. Verification and Noncompliance

The CEC reserves the right to request additional information, which the city, county, or city and county shall timely provide, to determine and verify compliance with SB 379.

Please note that legal consequences may exist for not complying with SB 379's requirements. As an example, SB 379 requires jurisdictions to self-certify their compliance when applying for any specified funds from the CEC, meaning non-compliant entities may be ineligible for CEC funding. Consult with an attorney about any possible risks or consequences, as the CEC does not give legal advice to others.

4. Effective Date of Guidelines

These guidelines are not effective until adopted by the CEC at a publicly-noticed Business Meeting. Once approved, the CEC will post the adopted Guidelines on its website at [CEC's SB 379 webpage](https://www.energy.ca.gov/programs-and-topics/programs/residential-solar-permit-reporting-sb-379) available at <https://www.energy.ca.gov/programs-and-topics/programs/residential-solar-permit-reporting-sb-379>.

5. Guideline Changes

a. Substantive Changes

After adoption, substantive changes to the adopted guidelines may be made with the approval of the CEC at a publicly noticed meeting with no fewer than 10 days public notice. All substantive changes will be posted to the [docket log for SB 379](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SOLAR-01) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SOLAR-01> and emailed to the CalAPP email topic, available through <https://www.energy.ca.gov/subscriptions>, at least 10 days prior to approval by the CEC. For more detailed updates containing substantive changes, CEC staff may opt

to provide a longer notice period and host one or more staff workshops to discuss the proposed changes.

Unless stated otherwise in the resolution approving substantive changes, substantive changes shall take effect upon adoption by the CEC.

b. Non-substantive Changes

If the guidelines require non-substantive changes, such as reorganization of text, the correction of grammatical issues, or changes that do not materially affect the obligations of non-exempt jurisdictions, the CEC will provide a notice of the changes to the associated listservs and the CEC website and post the amended guidelines on the webpage and docket.

APPENDIX A: Reference Documents

[Senate Bill SB 379 \(Wiener, SB 379, Ch. 356\)](#)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB379