

## **Streamlined Residential Rooftop Solar Permitting: AB 2188 (Muratsuchi)**

[AB 2188 \(Muratsuchi\)](#) requires local governments to adopt a solar ordinance by September 30, 2015 that create a streamlined permitting process that conforms to best practices for expeditious and efficient permitting of small residential rooftop solar systems.

By improving the efficiency of solar permitting statewide, AB 2188 will help lower the cost of solar installations and further expand the accessibility of solar to more California homeowners who want to control their electricity bills and generate their own clean energy. In addition, making solar energy more affordable will help the state reach its renewable energy and greenhouse gas reduction goals, and create more local jobs.

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### **Minimum Eligibility Criteria for Streamlined Permitting in 2188**

- No larger than 10 kW AC nameplate rating or 30 kW thermal.
- Installed on a single or duplex residential dwelling.
- Does not exceed the maximum legal building height.

### **Streamlined Permitting Ordinance**

- The ordinance must be adopted on, or before, September 30, 2015 by every city and county in California.
- The ordinance must create a streamlined permitting process for residential solar PV and solar thermal systems consistent with the goals and intent of the California Solar Rights Act.
- The ordinance must establish a permitting process that “substantially conforms” with the recommendations, standard plans, and checklists found in the most updated version of the Governor’s Office of Planning and Research’s Solar Permitting Guidebook (“the Guidebook”).
- If a city or county already has a streamlined solar permitting process, or wishes to go beyond the recommendations in the

Guidebook to make permitting even more streamlined (e.g. even simpler permit application) or extend the streamlined permitting to more rooftop solar systems (e.g. allow systems up to 13.44 kW or include battery storage), there’s nothing in AB 2188 that would prevent a parallel permitting process to be in place.

- The local fire departments or districts and the municipal utility director, if appropriate, have opportunity to consult with the city or county in developing the ordinance.
- It is not necessary for these administrative ordinances to be submitted to the Building Standards Commission for review.

### **The Streamlined Permitting Process**

- The bulk of the time and cost savings associated with a streamlined permitting process comes from use of a standardized eligibility checklist and simplified standard plan.
- AB 2188 calls for “substantial conformity” with the Guidebook while allowing for minor modifications “due to unique climactic, geological, seismological, or topographical conditions.”
- AB 2188 stipulates that, once the city or county confirms that the application and

supporting documents are complete and meet the requirements of the checklist, all required permits or authorizations be issued. Best practices dictate this review process take less than 24 hours and not more than three days.

- AB 2188 DOES NOT require permits be processed online through a Web-based portal, though the use of online permitting is a best practice and highly recommended where feasible.
- AB 2188 DOES require that the checklist and permitting documentation be published on a publically accessible Web site (assuming the city or county has a Web site), and that the city or county allows for electronic submittal (Web, email, or fax) of a permit application and associated documentation.
- AB 2188 requires that cities and counties allow for electronic signatures in lieu of a wet signature on all forms, applications, and other documentation, unless they are unable to accept electronic signatures in which case they must state the reasons for the inability in the ordinance.
- AB 2188 stipulates that a city or shall not condition approval of any solar energy system permit on the approval by an association, such as an HOA.

### **The Streamlined Inspection Process**

- AB 2188 mandates that only one inspection be required for those installations eligible for streamlined review. If multiple agencies must conduct inspections, these must be conducted simultaneously. AB 2188

prohibits pre-inspections or rough inspections.

- Fire departments or districts are encouraged to sign MOUs with their local cities and counties but retain the right to perform their own safety inspection of solar systems if there is no signed MOU. In these cases, inspections may be scheduled separately but best practices would have these inspections coordinated.
- Inspections are to be done in a “timely manner,” which according to best practices include scheduling an inspection within 24 hours of a request, or no later than five days.

### **Changes to HOA Approval Process**

AB 2188 also provides for some tightening of the Homeowner Association (HOA) approval process.

- AB 2188 reduces the ability for HOAs to increase the cost of a solar system or decrease the system’s efficiency with the following changes:
  - Lowers allowable HOA impact on the cost of solar hot water system from 20% to 10%, or not more than \$1,000, and the efficiency of a system from 20% to 10%.
  - Lowers allowable HOA impact on solar PV systems from \$2,000 to \$1,000 or a decrease in efficiency from 20% to 10%.
- Shortens the number of days, from 60 to 45, that an applicant, seeking HOA approval, must wait for a written denial of a proposed solar installation.

*For more information about AB 2188, contact CALSSA at 916-228-4567 or [info@calssa.org](mailto:info@calssa.org)*