

MEMO

To: City of Cupertino
Legislative Review Committee

From: Townsend Public Affairs, Inc.

Date: May 14, 2021

Subject: Consider adopting a position on Senate Bill 617 (Wiener) Residential solar energy systems: permitting

Bill Information

The official text of SB 617 can be found [here](#)¹.

Summary

SB 617 requires every city and county to implement an online, automated permitting platform that verifies code compliance and issues permits in real time to a licensed contractor for a solar energy system. This bill also authorizes the California Energy Commission (CEC) to provide technical assistance and grant funding to cities and counties to comply with the requirements for the online platform.

Specifically, SB 67 requires:

- Requires every city and county to implement an online, automated permitting platform that verifies code compliance and instantaneously issues permits for a solar energy system that is no larger than 38.4 kilowatts (kW).
- Requires a city or county to amend a certain ordinance to authorize a residential solar energy system and an energy storage system to use the online, automated permitting platform.
- A county with a population of less than 150,000 and all cities within a county with a population of less than 150,000 would be exempt from the requirements of this bill.
- Cities and counties with populations greater than 50,000 that are not otherwise exempt would be required to satisfy the requirements by September 30, 2022, while a city with a population of 50,000 or less that is not otherwise exempt would be required to satisfy these requirements by September 30, 2023.
- This bill would also prohibit a city, county, and city or county that is not in compliance with AB 2188, AB 1414, and the requirements of this bill for the automated solar permitting system from receiving funds from a state-sponsored or state-administered solar or energy storage grant or loan program.
- Authorizes the CEC, upon appropriations of sufficient funding, to provide technical assistance and grant funding to cities and counties in order to support the provisions of this bill.

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB617

- Requires the CEC to develop grant guidelines and other requirements by May 1, 2022, and make applications available no later than July 1, 2022.
- Requires the CEC to set guidelines for cities and counties to report to the CEC on the number of permits issued for solar energy systems and an energy storage system paired with a solar energy system and the relevant characteristics of those systems.

Status

SB 619 was approved by the Senate Energy, Utilities and Communications Committee (12-2) on April 26th. The measure is currently in the Senate Appropriations Committee.

Support

According to the author, “SB 617 requires jurisdictions of a certain size to implement an automated online solar permitting system, as well as offering remote building inspections for residential rooftop solar systems. Further, SB 617 establishes a program at the California Energy Commission to offer assistance to local jurisdictions in their implementation of an online permitting system and remote inspections. Although the costs of solar hardware have decreased by 80% in the past 15 years, the ‘soft’ costs associated with permitting are still a massive barrier. Beyond the cost, the unnecessary delays associated with solar permitting result in 10% of applicants rescinding their application prior to approval. This is a major hindrance to California’s clean energy goals, as current models suggest that the state will need to have triple solar and wind capacity in order to meet 100% renewable energy by 2045. In order to address this delay and the costs associated with permitting, SB 617 will require that an online automated permitting system be utilized.”

Supporters of SB 617 include: Environment California; Bay Area Council; California Solar and Storage Assn; Center for Sustainable Energy; Environmental Defense Fund; Housing Action Coalition; Natural Resources Defense Council; Silicon Valley Youth Climate Action; two dozen private solar companies; and individual elected officials from the cities of: El Cerrito, Emeryville, Mountain View, Oakland, Perris, Richmond, San Francisco, South San Francisco, and Walnut Creek.

Opposition

In opposition to this bill, the California Building Officials (CALBO) who represent members who enforce building standard requirements, express concerns about the need for a new mandate and lack of flexibility by this bill. CALBO further states they were active participants with AB 2188 development. However, they have “... observed local government has continued to struggle with the implementation of the bill [AB 2188]. According to Berkeley Lab’s July 2019 report on this law, only 71% of California’s local entities have complied. This is a concern to CALBO, as we recognize and urge our local jurisdictions to adhere to the regulation and believes enforcement of existing regulations is preferable over the new requirements outlined in SB 617.”

Opponents of SB 617 include: California Building Officials, National Electrical Contractors Assn, and several International Brotherhood of Electrical Workers Local Unions.

Recommended Action

Adopt a support position on SB 617 and authorize the Mayor to send letters to the state legislature.