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AB-178 Energy: building standards: photovoltaic requirements. (2019-2020)

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Assembly Bill No. 178

CHAPTER 259

An act to add and repeal Section 25402.13 of the Public Resources Code, relating to energy.

[Approved by Governor September 06, 2019. Filed with Secretary of State September 06, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 178, Dahle. Energy: building standards: photovoltaic requirements.

Existing law authorizes the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy efficiency standards, including appliance efficiency standards. Under this authority, the commission has established regulations for the installation of photovoltaic systems meeting certain requirements for low-rise residential buildings built on or after January 1, 2020.

This bill would, until January 1, 2023, specify that residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor, before January 1, 2020, is required to comply with the photovoltaic requirements, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and is not required to comply with any additional or conflicting photovoltaic requirements in effect at the time of repair, restoration, or replacement. The bill would provide that the above provision applies if certain requirements are met with respect to the owner's income and insurance coverage and the location and square footage of the construction. Because a local agency would be required to determine whether those requirements are met, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25402.13 is added to the Public Resources Code, to read:

25402.13. (a) Notwithstanding other laws, residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code shall comply with requirements regarding photovoltaic systems pursuant to regulations prescribed pursuant to subdivisions (a) and (b) of Section 25402, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and shall not

be required to comply with any additional or conflicting photovoltaic system requirements in effect at the time of repair, restoration, or replacement.

(b) This section does not apply to emergencies proclaimed by the Governor on and after January 1, 2020.

(c) This section only applies when one or more of the following conditions are met:

(1) The income of the owner of the residential building is at or below the median income for the county in which the residential building is located as determined by the Department of Housing and Community Development state income limits.

(2) The construction does not exceed the square footage of the property at the time it was damaged.

(3) The new construction is located on the site of the home that was damaged.

(4) The owner of the residential building did not have code upgrade insurance at the time the property was damaged.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.