

# EXPLANATION OF CHANGES

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11

### CHANGE WITHOUT REGULATORY EFFECT SECTIONS 202, A4.107, A4.107.1, A4.107.2, A4.601.4.2 ITEM 1.5, A4.601.5.2 ITEM 1.5, A4.602

(HCD 05/13)

---

Assembly Bill Number 2188, Chapter 521, Statutes of 2014, which amended Section 714 of the Civil Code and Section 65850.5 of the Government Code relating to solar energy, was approved by Governor Edmund G. Brown Jr. on September 21, 2014, and filed with the Secretary of State on September 21, 2014.

This statute requires a city, county, or city and county to create an expedited, streamlined permitting process for small residential rooftop solar energy systems. On July 22, 2014, prior to the enactment of the legislation, the Department of Housing and Community Development (HCD) submitted regulations to the California Building Standards Commission regarding similar subject matter and received Commission approval.

The statute is a mandate which supersedes HCD's voluntary small solar photovoltaic (PV) system regulations. The passage of AB 2188 makes HCD regulations unnecessary and has the potential of confusing the public if the recently adopted regulations were published in the 2013 CALGreen Code (California Code of Regulations, Title 24, Part 11). Commission approval of HCD's request for a change without regulatory effect will avoid conflict, confusion and additional costs to provide a supplement.

The proposed changes do not materially alter any rights, responsibilities, conditions, prescription or other regulatory element of any California Code of Regulations provisions.

Pursuant to BSC Section 1-421 (c) 6, HCD requests the following changes without regulatory effect.

#### **Section 202 "Definitions"**

The definition of "SMALL SOLAR PHOTOVOLTAIC (PV) SYSTEM" is deleted because the referenced text, Section A4.107.2, was repealed because it is superseded by recent legislation. As a result, the regulation is duplicative and lacks necessity and consistency.

#### **Sections A4.107 "Solar Photovoltaic (PV) Systems", A4.107.1 "General" and A4.107.2 "Small Solar Photovoltaic (PV) Systems Streamlined Permitting Process" in Appendix A4**

The sections listed above are repealed because they are superseded by recent legislation. As a result, the regulations are duplicative and lack necessity and consistency.

#### **Section A4.601.4.2 "Prerequisite and Elective Measures for Tier 1" Item 1.5 in Appendix A4**

The reference to the "solar photovoltaic (PV) system streamlined permitting process in Section A4.107.2" is deleted because Section A4.107.2 was repealed as indicated above.

#### **Section A4.601.5.2 "Prerequisite and Elective Measures for Tier 2" Item 1.5 in Appendix A4**

The reference to the "solar photovoltaic (PV) system streamlined permitting for Tier 1 and Tier 2 in Section A4.107.2" is deleted because Section A4.107.2 was repealed as indicated above.

#### **Section A4.602 "Residential Occupancies Application Checklist" [A4.107.2] in Appendix A4**

The reference to A4.107.2, including text regarding a streamlined permit process for small solar photovoltaic (PV) systems, is deleted because Section A4.107.2 was repealed as indicated above.