

Frequently Asked Questions

Implementation of AB 2188 (Muratsuchi)

Solar Permits and Inspections

These FAQs are provided to assist cities with implementing [AB 2188](#), which amended portions of the [Solar Rights Act of 1978](#) and created new statutes requiring cities to streamline and expedite small residential rooftop solar energy systems. The FAQs are provided for informational purposes only and do not constitute legal advice. Each jurisdiction should consult with its city attorney to gain a complete understanding of AB 2188.

1. Q: Are all cities required to develop an ordinance to streamline small residential rooftop solar energy system permitting and inspections?

A: Yes. On or before September 30, 2015, every city, in consultation with the local fire department or district and the utility director, if the city operates a utility, must adopt an ordinance creating an expedited permitting process for small residential rooftop solar energy systems of 10 kilowatts or less.

2. Q: What is a “small residential rooftop solar energy system”?

A: A “small residential rooftop solar energy system” means all of the follow:

- Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
- Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and [paragraph \(3\) of subdivision \(c\) of Section 714 of the Civil Code](#);
- Installed on a single or duplex family dwelling; and,
- The solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

3. Q: What must be included in the ordinance?

A: The ordinance must:

- Be consistent with the goals and intent of [Government Code Section 65850.5 \(a\)](#);
- Create an expedited, streamlined permitting process for small residential rooftop solar energy systems of 10 kilowatts or less; and,

- Substantially conform to the [California Solar Permitting Guidebook](#) adopted by the Governor’s Office of Planning and Research as it relates to the checklist and the expedited permitting process.

4. Q: Are cities required to create a checklist as part of implementing the expedited permitting process?

A: Yes. Cities are required to adopt a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

5. Q: Can a city adopt an ordinance that modifies the checklist or suggested streamlined permitting process as prescribed in the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research?

A: Yes. Cities may alter the checklist or deviate from the streamlining process as outlined in the California Solar Permitting Guidebook in order to account for unique local climatic, geological, seismological, or topographical conditions.

6. Q: Are cities required to post the checklist and required permitting documents on its website?

A: Yes. A city must post the checklist and required permitting documents on a publically available website unless the city does not have an Internet website.

7. Q: How are cities required to accept the checklist and required permitting documents?

A: Cities are required to allow for the electronic submittal of the permit application and all associated documents. “Electronic submittal” means the use of one or more of the following: email, the Internet, and facsimile.

8. Q: Are cities required to accept an electronic signature, in lieu of a wet signature, on all forms, applications, and other documentation required for those eligible for expedited review?

A: Yes. However, should a city determine it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, it must state the reasons for its inability to accept electronic signatures in the city’s small residential rooftop solar energy expedited review process ordinance.

A city may also want to review [Government Code Section 16.5](#) and [California Code of Regulations, Title 2, Division 7, Chapter 10, starting with Section 22000](#), which pertain to digital signatures.

9. Q: What constitutes a completed small residential rooftop solar permit application?

A: An application is deemed complete if it satisfies the information requirements in the checklist, as determined by the city. A city must approve the application and issue all required permits or authorizations once it confirms that the application and supporting documents are complete and meet the requirements of the checklist, and is consistent with the ordinance.

10. Q: What happens if a city receives an incomplete small residential rooftop solar permit application?

A: The city must issue a written correction notice detailing all deficiencies in the application and identify any additional information required to be eligible for expedited permit issuance.

11. Q: Are cities limited in the number of inspections they may require for small residential rooftop solar energy systems eligible for expedited review?

A: Yes. In most cases a city may only perform one inspection. The inspection may include a consolidated inspection with multiple inspections occurring at the same time. In the event that a city does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority, the fire authority may require a separate fire safety inspection.

If the applicant fails the inspection, a subsequent re-inspection may take place. However, the re-inspection process is not required to conform to the restrictions placed on the initial inspection.

12. Q: Is there a specified timeline for completing the inspection?

A: No. The inspection need only occur in a “timely manner.”

13. Q: Can a city conditionally approve a solar energy system permit on the approval by a homeowners association or similar association?

A: No. A city may not conditionally approve any solar energy system permit on the approval by an association, as defined by [Civil Code Section 4080](#).