

AMENDED IN ASSEMBLY APRIL 6, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 704**

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**Introduced by Assembly Member Jim Patterson**

February 13, 2023

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An act to add and repeal Sections ~~25402.15 and 25402.15.5~~ 25402.18 and 25402.19 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 704, as amended, Jim Patterson. Energy: building standards: photovoltaic requirements.

Existing law authorizes the State Energy Resources Conservation and Development Commission to prescribe, by regulation, lighting, insulation, climate control system, and other building design and construction standards that increase efficiency in the use of energy and water for new residential and new nonresidential buildings, and energy and water conservation design standards for new residential and new nonresidential buildings. Pursuant to this authority, the commission has established regulations requiring solar-ready buildings and for the installation of photovoltaic systems meeting certain requirements for low-rise residential buildings built on or after January 1, 2020.

This bill, until January 1, 2027, would require 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 to comply only with requirements regarding photovoltaic systems pursuant to the regulations, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and would not require that construction to comply with any additional or conflicting

photovoltaic system requirements in effect at the time of repair, restoration, or replacement. This provision would apply only if ~~one or more of~~ certain conditions are met with respect to the building owner’s income, insurance coverage, ~~or~~ *and* the location ~~or~~ *and* square footage of the construction. Until January 1, 2027, the bill would also require the commission to collect data on the use and application of the exemption from local permitting agencies and, on or before March 1, 2025, and ~~again~~ on or before March 1, 2026, to prepare and submit a report to the relevant policy committees of the Legislature concerning the exemption, as provided.

Because a local agency would be required to determine whether any older applicable photovoltaic 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.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 25402.15 is added to the Public Resources~~  
2     ~~Code, to read:~~  
3     ~~25402.15.—~~  
4     ~~SECTION 1. Section 25402.18 is added to the Public Resources~~  
5     ~~Code, to read:~~  
6     ~~25402.18. (a) Notwithstanding other laws, residential~~  
7     ~~construction intended to repair, restore, or replace a residential~~  
8     ~~building damaged or destroyed as a result of a disaster in an area~~  
9     ~~in which a state of emergency has been proclaimed by the Governor~~  
10    ~~pursuant to Chapter 7 (commencing with Section 8550) of Division~~  
11    ~~1 of Title 2 of the Government Code shall comply with~~  
12    ~~requirements regarding photovoltaic systems pursuant to~~  
13    ~~regulations prescribed pursuant to subdivisions (a) and (b) of~~  
14    ~~Section 25402, if any, that were in effect at the time the damaged~~  
15    ~~or destroyed residential building was originally constructed and~~  
16    ~~shall not be required to comply with any additional or conflicting~~

1 photovoltaic system requirements in effect at the time of repair,  
2 restoration, or replacement.

3 (b) This section only applies when ~~one or more~~ *all* of the  
4 following conditions are met:

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

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

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

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

15 (c) This section shall remain in effect only until January 1, 2027,  
16 and as of that date is repealed.

17 ~~SEC. 2. Section 25402.15.5 is added to the Public Resources~~  
18 ~~Code, to read:~~

19 ~~25402.15.5.—~~

20 *SEC. 2. Section 25402.19 is added to the Public Resources*  
21 *Code, to read:*

22 *25402.19.* (a) The commission shall collect data, to the extent  
23 possible, on the use and application of Section ~~25402.15~~ *25402.18*  
24 from local permitting agencies.

25 (b) Notwithstanding Section 10231.5 of the Government Code,  
26 on or before March 1, 2025, and on or before March 1, 2026, the  
27 commission shall prepare and submit a report to the relevant policy  
28 committees of the Legislature on the use and application of Section  
29 ~~25402.15~~ *25402.18* from the data collected pursuant to subdivision  
30 (a).

31 (c) This section shall remain in effect only until January 1, 2027,  
32 and as of that date is repealed.

33 SEC. 3. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 a local agency or school district has the authority to levy service  
36 charges, fees, or assessments sufficient to pay for the program or  
37 level of service mandated by this act, within the meaning of Section  
38 17556 of the Government Code.

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