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TESTIMONY

RENEWABLE ENERGY AND EFFICIENCY BUSINESS ASSOCIATION, INC.

PROPOSED H.B. NO. 6435, AN ACT STREAMLINING THE PERMITTING PROCESS FOR THE INSTALLATION OF SOLAR PHOTOVOLTAIC SYSTEMS

February 19, 2015

Good afternoon Senator Doyle, Representative Reed, Senator Formica and Representative Ackert, and members of the Energy & Technology Committee. My name is Paul Michaud and I am the Executive Director the Renewable Energy and Efficiency Business Association, Inc. ("REEBA"). With over 70 members, REEBA is a Connecticut business trade association that promotes renewable energy and energy efficiency in Connecticut. On behalf of REEBA, I thank you for the opportunity to offer comments on Proposed House Bill No. 6435, An Act Streamlining The Permitting Process For The Installation Of Solar Photovoltaic Systems.

REEBA strongly supports the concept of streamlining the permitting of rooftop solar PV systems in Connecticut. To that end, REEBA is pleased to supply recommended bill language that would create an expedited, streamlined and transparent permitting process for Small Residential Rooftop Solar PV Systems in the state. REEBA's recommended bill language is attached to this testimony.

It is important to note that in drafting REEBA's recommended bill language, representatives from REEBA met with representatives from the Connecticut Conference of Municipalities (CCM) and the Connecticut Council of Small Towns (COST) to get their feedback on a feasible residential rooftop solar PV permitting process. REEBA will continue the conversation with CCM and COST to create a plan that works for all stakeholders.

It is important to note that REEBA's proposed bill language incorporates the already existing Connecticut Rooftop Solar PV Permitting Guide first published on May 1, 2014. The Connecticut Rooftop Solar PV Permitting Guide was born from a SunShot grant from the U.S. Department of Energy and was developed by the Connecticut Energy Finance Investment Authority with participation from 22 municipalities and 27 residential solar companies in the state.

REEBA's recommended bill language provides municipalities with clear guidance regarding: streamlined permit application forms, expedited solar PV system review, and standardized permitting fees. Also important, REEBA's proposed bill language encourages but does not mandate compliance, and is clear that the municipalities shall implement the bill but only within available appropriations.

On behalf of REEBA's 70 member members, I thank you for the opportunity to provide testimony on Proposed House Bill No. 6435. I am available for any questions.

Section 8-2X. (NEW) Permitting of Small Residential Rooftop Solar PV Systems

[Sec. 8-2X. Renewable energy sources generation. Permitting of Small Residential Rooftop Solar PV Systems.

(a) The following definitions apply to this Section:

- (1) "Electronic Submittal" means the utilization of one or more of the following: (A) email, (B) internet, or (C) facsimile.
- (2) "Expedited Review" means no more than five business days from the time an application to request a permit for a Small Residential Rooftop Solar PV System is turned into the municipality having jurisdiction.
- (3) "Feasible Method To Satisfactorily Mitigate Or Avoid The Specific, Adverse Impact" means any cost-effective method, condition, or mitigation imposed by a municipality in another similarly situated application in a prior successful application for a permit.
- (4) "Small Residential Rooftop Solar PV System" means all of the following: (A) A solar PV system that is no larger than 12 kilowatts alternating current nameplate rating, (B) A solar PV system that conforms to all applicable state fire, structural, electrical, and other building codes, (C) A solar PV system that is installed on a single or duplex family dwelling, and (D) A solar PV panel or module array that does not exceed the maximum legal building height as defined by the municipality having jurisdiction.
- (5) "Specific, Adverse Impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(b) (1) On or before January 1, 2016, every municipality in consultation with the local fire department shall adopt an ordinance, consistent with the goals and intent of this Section that creates an expedited, streamlined and transparent permitting process for Small Residential Rooftop Solar PV Systems. In developing an expedited permitting process, the municipality shall adopt a checklist of all requirements with which Small Residential Rooftop Solar PV Systems shall comply to be eligible for Expedited Review. An application that satisfies the information requirements in the checklist, as determined by the municipality shall be deemed complete. Upon confirmation by the municipality of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a municipality shall, consistent with this statute, approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a municipality shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance; and (2) The checklist and required permitting documentation shall be published on a publically accessible internet web site, if the municipality has an internet web site, and (3) the municipality shall allow for Electronic Submittal of a permit application and associated documentation, and (4) shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the municipality shall substantially conform its expedited, streamlined permitting process to the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the Energize Connecticut, Connecticut Rooftop Solar PV Permitting Guide first published on May 1, 2014. Any ordinance for permitting Small Residential Rooftop Solar PV Systems shall include a flat fee on no more than \$200 unless the

municipality decides to waive the permitting fee pursuant to Section 29-263 of the Connecticut General Statutes.

(c) For a Small Residential Rooftop Solar PV System eligible for Expedited Review, only one inspection shall be required, which shall be done within three business days and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a municipality that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority.

(d) A Small Residential Rooftop Solar PV System for producing electricity shall meet all applicable safety and performance standards established by the Connecticut Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules and regulations of the Connecticut Public Utilities Regulatory Authority regarding safety and reliability.

(e) A municipality shall administratively approve applications to install Small Residential Rooftop Solar PV Systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a Small Residential Rooftop Solar PV System shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the Small Residential Rooftop Solar PV System will not have a Specific, Adverse Impact upon the public health or safety. However, if the building official of the municipality makes a finding, based on substantial evidence, that the Small Residential Rooftop Solar PV System could have a Specific, Adverse Impact upon the public health and safety, the municipality may require the applicant to apply for a use permit.

(f) A municipality may not deny an application for a use permit to install a Small Residential Rooftop Solar PV System unless it makes written findings based upon substantial evidence in the record that the proposed Small Residential Rooftop Solar PV System would have a Specific, Adverse Impact upon the public health or safety, and there is no Feasible Method To Satisfactorily Mitigate Or Avoid the Specific, Adverse Impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the Specific, Adverse Impact.

(g) Any conditions imposed on an application to install a Small Residential Rooftop Solar PV System shall be designed to mitigate the Specific, Adverse Impact upon the public health and safety at the lowest cost possible.

(h) A Small Residential Rooftop Solar PV System for producing electricity shall meet all applicable safety and performance standards established by the Connecticut Electrical Code.

(i) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document that effectively prohibits or restricts the installation or use of a Small Residential Rooftop Solar PV System is void and unenforceable. This section does not apply to provisions that impose reasonable restrictions on Small Residential Rooftop Solar PV System. Reasonable restrictions on a Small Residential Rooftop Solar PV System are those restrictions that do not significantly increase the cost of the Small Residential Rooftop Solar PV System or significantly decrease its efficiency or specified performance, or that allow for an alternative Small Residential Rooftop Solar PV System of comparable cost and efficiency. Homeowners Associations or substantially similar entities must either approve or deny an application for the installation of a Residential Rooftop Solar PV System within 30 business days of receipt of an application or the

application shall be deemed approved. A Homeowners Association shall not alter a PV design that results in a greater than ten percent loss of production from the Small Residential Rooftop Solar PV System.

(j) Municipalities shall implement this Section within available appropriations.]

Purpose:

The proposed language is intended to create an expedited, streamlined and transparent permitting process for Small Residential Rooftop Solar PV Systems in Connecticut.