Igor Tregub, **Councilmember, District 4**

CONSENT CALENDAR
APRIL 21, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Councilmember Cecilia Lunaparra (co-sponsor)

Subject: Support SB 222 (Wiener), the Heat Pump Access Act; SB 868 (Wiener), the Plug and Play Solar Act; and AB 2389 (Irwin), the Keeping Solar Affordable Act

RECOMMENDATION

Issue a "Support" position for Senate Bill (SB) 222 (Wiener), the Heat Pump Access Act; Senate Bill (SB) 868 (Wiener), the Plug and Play Solar Act; and Assembly Bill (AB) 2389 (Irwin), the Keeping Solar Affordable Act, and submit letters of support on this Bills to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, authors of the Bills, and chairs of applicable Senate and Assembly committees.

RATIONALE FOR RECOMMENDATION

These bills support a variety of climate priorities consistent with the City of Berkeley's advocacy positions.

FINANCIAL IMPLICATIONS

Limited staff time associated with transmitting one or more letters related to the subject positions.

CURRENT SITUATION AND ITS EFFECTS

SB 222 (Wiener) – The Heat Pump Access Act

SB 222 would allow Californians to save on energy bills, reduce indoor air pollution, mitigate the effects of extreme weather, and reduce greenhouse gas emissions by

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improving access to safe heat pump water heater and heating, ventilation, and air conditioning (HVAC) systems. SB 222 would require automated permitting for standard heat pump water heater and HVAC installations, thereby streamlining permitting process for key climate technology and improve its affordability.

SB 868 (Wiener) – The Plug and Play Solar Act

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, SB 868, the Plug And Play Solar Act, would streamline approvals and establish safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest. Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 would cut red tape for this key climate-friendly technology, improve its affordability, expand access to clean energy to renters and apartment dwellers, allow Californians to save on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

AB 2389 (Irwin) – The Keeping Solar Affordable Act

AB 2389 (Irwin) would extend California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals. The bill applies to customer-sited solar energy systems up to 2 megawatts, including all solar energy systems installed on property owned by local jurisdictions, schools, and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill would ensure that these systems do not trigger higher tax assessments and thereby would ensure that distributed energy resources remain financially accessible in a time of rising electricity costs.

BACKGROUND

SB 222 (Wiener) – The Heat Pump Access Act

Because heat pumps are highly energy efficient, the average household in the US can save nearly $400 a year by switching to a heat pump[1]. When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more. Water and space heating through gas water heaters and furnaces

[1] https://homes.rewiringamerica.org/articles/heating-and-cooling/heat-pump-savings

are responsible for the majority of greenhouse gas emissions from residential buildings. Residential and commercial buildings are responsible for 25% of California's greenhouse gas emissions. To be on track for meeting California's climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.[2]

California has already taken action to streamline permitting for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries (SB 379, Wiener, 2021[3]), require expedited solar permitting and restrict reasons for denying solar permits (AB2188, Muratsuchi, 2014), and limit high fees for solar permits (AB 1132, Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review (AB 1236, Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type (AB 970, McCarty, 2021).

Despite repeated input from heat pump contractors, homeowners, and representatives from Labor regarding the time and cost implications associated with local permitting, as well as the demands of clean air rules and state climate targets, no corresponding streamlining measures have been implemented at the state level to date. This is inimical to the ambitious climate goals California must meet to stay on track in combatting climate change and support energy resilience. In 2023, the Bay Area Air District passed a rule to require newly installed space and water heaters to be zero-emission. The California Air Resources Board is considering similar rules for residential customers. Governor Newsom has also set a building decarbonization goal of installing 6 million heat pumps statewide by 2030. SB 222 would support the fulfillment of these ambitious and necessary goals.

<u>SB 868 (Wiener) – The Plug and Play Solar Act</u>

Where a rooftop solar system tends to be 5,000- 10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5th of a household's average energy usage, and with prices starting at $500, thus offering an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy. Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility

[2] Neumann, Ingrid. "Key Building Decarbonization Strategies towards California Climate Goals."
[3] Supported by the City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/2022-05-24%20Item%2012%20Resolution%20in%20Support%20of%20SB%20379.pdf

to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology. California utilities treat even very small customer-sited solar systems as if they are large arrays, thus triggering complex multi-page interconnection agreements, expensive building permits, and time-intensive utility approvals. All this red tape effectively cuts off consumer access to this critical technology, particularly for renters and other multi-family residents who do not have the resources or ability to install their own rooftop solar system.

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill would unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities. Allowing access to these cost-saving clean energy devices would reduce peak demand, especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

AB 2389 (Irwin) – The Keeping Solar Affordable Act

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements. These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion will sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This could not come at a worse time, as the 30% federal tax credit incentive for residential solar has been phased out by the current administration.

Absent this bill, consumers will face higher annual property tax assessments when installing solar energy systems, thus discouraging investment in clean energy. Schools and local governments that lease solar energy systems from third parties will also face higher costs. Although as public entities they are excluded from property taxes, their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The enactment and implementation of these bills would advance Berkeley's environmental sustainability and climate resilience goals.

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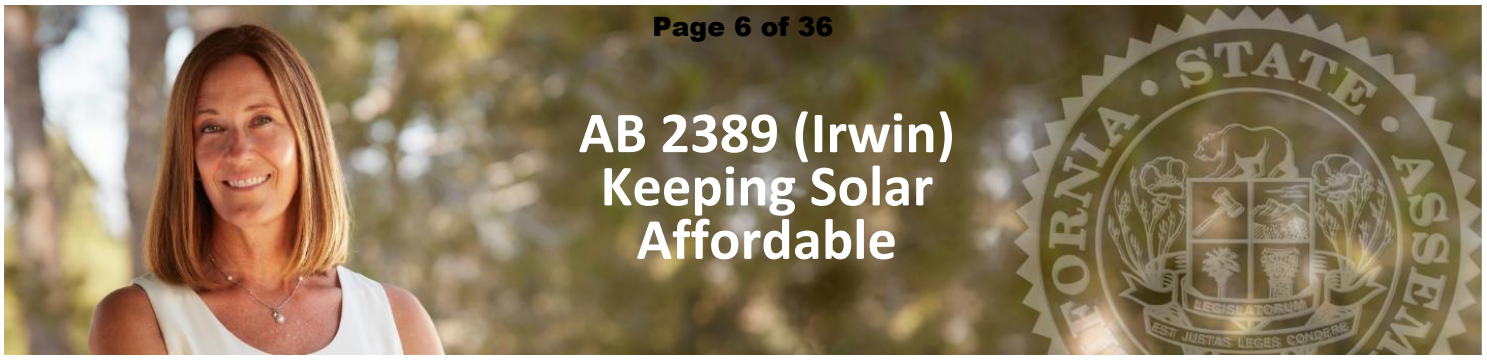
ATTACHMENTS

1. Fact Sheets
2. Bill Texts available as of 3.31.2026 and subject to change



SUMMARY

AB 2389 extends California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals.

BACKGROUND

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements (PPAs). These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion is set to sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This couldn't come at a worse time as the 30% federal tax credit incentive for residential solar has phased out. State policies, including this property tax exclusion, have historically helped keep solar adoption financially accessible during periods of rising energy costs.

Customer-sited solar also plays a crucial role in helping California achieve its goal of 100% clean electricity by 2045. Of the 7,000 megawatts (MW) of clean energy interconnected to the grid in 2024, 23% came from customer-sited solar and storage. Maintaining incentives that support continued adoption will be critical to ensuring these distributed energy resources remain a significant contributor to the state's clean energy transition.

NEED FOR THIS BILL

If the Legislature fails to extend this property tax exclusion, consumers will face higher annual property tax assessments when installing solar energy systems, discouraging investment in clean energy. Schools and local governments who lease solar energy systems from third parties will also face higher costs, even though as public entities they are excluded from property taxes as their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

THIS BILL

AB 2389 extends California's property tax exclusion for an additional five years. The bill applies to customer-sited solar energy systems up to 2 megawatts, all solar energy systems installed on property owned by schools and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill ensures these systems do not trigger higher tax assessments, therefore, keeping distributed energy resources financially accessible.

SUPPORT

Environment California

CONTACT

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Senator Scott Wiener, 11th Senate District

SB 222- Heat Pump Access Act

SUMMARY

SB 222, the Heat Pump Access Act, saves Californians on energy bills, reduces indoor air pollution, mitigate the effects of extreme weather, and reduces greenhouse gas emissions by improving access to safe heat pump water heater and HVAC systems.

SB 222 requires automated permitting for standard heat pump water heater and HVAC installations, streamlining the permitting process for a key affordability and climate technology.

BACKGROUND/EXISTING LAW

Heat pumps are a win-win-win climate solution—they provide efficient, cost-saving, zero-emission cooling and heating that can displace dirty and hazardous fossil fuel furnaces with a single appliance.

Because heat pumps are highly energy efficient, the average household in the US can save nearly $400 a year by switching to a heat pump.[1] When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more.

Water and space heating through gas water heaters and furnaces are responsible for the majority of greenhouse gas emissions from residential buildings. Buildings– including both residential and commercial – are responsible for 25% of California's greenhouse gas emissions. . To be on track for meeting California's climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.[2]

Replacing these gas appliances with highly efficient electric heat pump devices not only reduces emissions but also improves the health and safety of buildings. According to the Rocky Mountain Institute (RMI), a heat pump installed in California today will cut emissions from space heating by 93% over the lifetime of the equipment compared to a gas furnace. By replacing oil and propane heating systems, heat pumps can reduce harmful pollutants like carbon monoxide, NO2, and volatile organic compounds both inside the home and in the air outside.[3] Heat pumps also provide potentially life-saving AC as our climate warms, regulate humidity, and automatically filter air to boost air quality indoors.

California has already taken action to reduce permit barriers for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries (Senate Bill 379, Wiener, 2021), require expedited solar permitting and restrict reasons for denying solar permits (Assembly Bill 2188, Muratsuchi, 2014), and limit high fees for solar permits (AB 1132, Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review (AB 1236, Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type (AB 970, McCarty, 2021).

Heat pumps have yet to receive such streamlining — despite heat pump contractors regularly citing time-consuming and cost-driving complexities associated with local permitting and despite ambitious clean air rules and state climate targets

[1] A Guide to Cutting Costs with Heat Pumps | Rewiring America

[2] Neumann, Ingrid. "Key Building Decarbonization Strategies towards California Climate Goals." PowerPoint presented at Redwood Energy Zero Carbon Retreat, January 21, 2021

[3] American Lung Association, "Literature Review on the Impacts of Residential Combustion," July 2022

setting the stage for enormous heat pump growth. In 2023, the Bay Area Air Quality Management District (AQMD) passed a rule to require newly installed space and water heaters to be zero-emission. CARB is considering similar rules for residential customers. Similarly, Governor Newsom has set a building decarbonization goal of installing 6 million heat pumps statewide by 2030.

PROBLEM

Meeting California's climate goals will require a considerable wave of residential heat pump appliances to be installed quickly and cost-effectively over the coming years. However, a patchwork of burdensome local permitting requirements adds cost, time, and hassle to these clean appliance retrofits. In interviews, heat pump installers say that that a number of barriers at the local level are slowing installations of heat pump equipment, including long inspection wait times, local architectural requirements, wide variations in requirements across jurisdictions, high permit fees, and the need to obtain multiple permit types for a water heater installation.

These burdensome requirements can drive up the cost of installations for homeowners, and limit the time that qualified contractors have to work on other projects, further tightening the supply of labor available to meet increasing demand for heat pumps and other appliances. Because public rebate and direct install programs for heat pumps require permit verification, onerous permit requirements risk impacting the efficiency of hundreds of millions in funding for heat pumps, much of which is targeted toward low-income customers. This problem is costly for California - a recent Energy Commission study estimated that permitting noncompliance for the 2022 Energy Code will cost the state $2.8 billion.

California has only 5 years left to install over 4 million heat pumps in order to meet Governor Newsom's ambitious target of installing 6 million heat pumps statewide by 2030.

SOLUTION

Heat pump permitting must be modernized in line with other pro-climate technologies to improve access to a cost-saving technology and meet California's ambitious climate goals.

This bill would streamline heat pump permitting and ensure California meets its climate goals by:

1. Mandating automated permitting for standard Heat Pump installations
2. Prohibiting HOAs from imposing architectural review on clean appliance installations
3. Requiring a maximum of one permit for heat pump water heater installations
4. Prohibiting excessive setbacks, noise restrictions, or documentation requirements on heat pump installations
5. Capping fees for heat pump permits to the reasonable cost of providing service

SUPPORT

- **Building Decarbonization Coalition, Sponsor**
- **San Francisco Bay Area Planning and Urban Research Association (SPUR), Sponsor**
- **Bay Area Air District, Sponsor**
- 350 Humbolt Action
- 350 Sacramento
- AO Smith Corporation
- Active SGV
- California Environmental Voters
- California Association of Sheet Metal and Air Conditioning Contractors National Association
- California Center for Sustainable Energy
- California Climate Action
- California State Pipe Trades Council
- Carbon Free Palo Alto
- Carbon Free Silicon Valley
- Carrier Global Corporation
- Center for Biological Diversity
- Citizens Climate Lobby Long Beach
- Climabridge
- Climate Action California
- Climate Health Now Action Fund
- Climate Reality Project, Orange County Chapter
- Climate Resolve
- Earthjustice
- Efficiency First California
- Electrify My Home

- Evergreen Action
- Green Building Initiative
- LG Electronics USA
- Mothers Out Front Silicon Valley
- Natural Resources Defense Council (NRDC)
- QuitCarbon
- Redwood Energy
- RRI: Resource Renewable Institute
- RAMP: Regional Asthma Management & Prevention
- Resource Renewal Institute
- Rewiring America
- San Diego Building Electrification Coalition
- San Francisco Climate Emergency Coalition
- StopWaste
- The Climate Center
- Western States Council of Sheet Metal Workers
- US Green Building Council

FOR MORE INFORMATION

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Senator Scott Wiener, 11th Senate District

SB 868 – Plug And Play Solar Act

SUMMARY

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, Senate Bill 868, the Plug And Play Solar Act, streamlines approvals and establishes safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest.

Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 will cut red tape for this key affordability and climate-friendly technology, expand access to clean energy to renters and apartment dwellers, save Californians on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

BACKGROUND/EXISTING LAW

Californians are faced with record high energy prices. Electricity rates for PG&E customers increased nearly 40% between 2022 and 2025 and increased 100% in the last decade.[1] As a result, Californians now pay higher rates for electricity than any other state except Hawaii.[2]

Solar arrays can lower energy costs for consumers and reduce reliance on investor-owned utilities. SB 868 expands those options to even more households, especially for renters, condo owners, and those with older or shaded roofs.

California has long been a leader in the transition to clean energy. Senate Bill 379 (Wiener, 2022) boosted safe solar energy system installations in homes by requiring certain-sized jurisdictions to provide an online instant solar permitting process.

Rooftop solar systems have been a major driving force behind California's clean energy transition. Portable solar energy devices, also known as "plug-in" or "balcony" solar, while smaller and therefore less powerful, offer a new way for consumers to generate safe, clean and low-cost electricity using California's abundant sunshine. The portability of these devices makes them ideal for many different types of consumers especially renters with access to a patch of sunlight on a balcony, patio, or small backyard.

This exciting technology consists of a few movable solar panels along with an integrated microinverter that allows the system to plug directly into a standard outlet where the solar electricity flows backwards, through the existing wires, to immediately power other appliances within the home, such as air conditioners, computers and lights, and refrigerators.

Where a rooftop solar system tends to be 5,000-10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5th of a household's average energy usage, and with prices starting at $500, offer an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy.

Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York. And, while the rooftop solar market serves hundreds of thousands of rental units, plug-in solar systems are an additional and

[1] San Francisco Chronicle, "PG&E rates actually going down in 2026. Here's how much," December 30, 2025

[2] San Francisco Chronicle, "California electricity prices now second-highest in U.S.: 'Everyone is getting squeezed,'" May 2, 2024

powerful tool for expanding access to clean energy in the Golden State.

Plug-in solar has already taken off in Europe. In Germany, consumers facing high power prices and energy-security concerns have installed an estimated four million plug-in systems, adding multiple gigawatts of distributed clean energy. With California's superior sunshine and high energy costs, the potential for this technology to take off here is even greater.

Despite the small scale of these systems and their potential to save consumers significant funds, utilities like PG&E are pushing for plug-in solar systems to require full interconnection agreements, as they would for large-scale utility solar projects.

Portable solar energy devices have also begun to advance in other parts of the United States. In 2025, Utah enacted H.B. 340, a bipartisan law unanimously approved by the Legislature that exempts portable plug-in solar devices from the full interconnection process, which in turn has encouraged companies to begin selling plug-in systems in the state and to plan expansions to other states with supportive policies. Similar legislation has recently been introduced in states like Vermont, Virginia, Maryland, New Hampshire, Pennsylvania, and New York.

PROBLEM

California consumers need immediate relief from rising energy bills. Growing the market for portable solar devices will create economies of scale that will lower per unit costs making clean energy even more affordable for more consumers.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology.

California utilities treat even very small customer-sited solar systems as if they are large arrays triggering complex multi-page interconnection agreements, expensive building permits, and time-consuming utility approvals. All this red tape makes installing plug-in solar more expensive and time-consuming, effectively cutting off consumer access.

While plug-in solar is now widespread in Europe and emerging in other U.S. states, these systems have not taken off in California due in part to these challenges and uncertainty around consumer ease of access.

SOLUTION

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill will unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities.

Allowing access to these cost-saving clean energy devices will reduce peak demand especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

Meanwhile, by establishing statewide safety standards, the bill will ensure consumers have access to safe, high-quality plug-in solar systems.

In sum, SB 868 lowers consumer energy bills, diversifies energy resources, reduces strain on the electric grid, and helps cut air pollution by:

- Defining a portable solar energy device as a small device that meets a consumer's on-site electricity needs;
- Establishing mandatory safety standards for a portable solar energy device;
- Prohibiting unnecessary red tape;
- Driving economies of scale for portable solar energy devices to help lower costs for all consumers.

SUPPORT

- **Environmental Working Group, Sponsor**
- **The Abundance Network, Co-Sponsor**
- Bright Saver
- California Public Interest Research Group (CALPIRG)
- California Solar & Storage Association (CALSSA)
- Center for Biological Diversity
- Environment California
- Solar Rights Alliance

- The Climate Center
- Caroline Torosis, Mayor, City of Santa Monica
- 350 Bay Area Action
- US Green Building Council
- Quantum Energy
- Greenbank Associates
- QuitCarbon
- Indivisible Santa Cruz County
- 350 Humboldt
- Samuel Lawrence Foundation
- West Orange County
- Clean Coalition
- Glendale Environmental Coalition
- Recolte Energy
- Albany Climate Action
- Our Green Challenge
- Vote Solar
- SocioEnergetics Foundation
- Climate Action Campaign
- Climate Action Mendocino
- Center for Community Energy
- Climate Crisis Workgroup of Grassroots Institute
- Third Act Sacramento
- Neighbors for Progressive Action
- Elders Climate Action NorCal Chapter
- 350 Conejo/San Fernando Valley
- Citizens' Climate Lobby
- SCV Eco Alliance
- GRID Alternatives
- Long Beach Alliance for Clean Energy
- Active San Gabriel Valley
- Orange County Environmental Justice
- Healing and Justice Center
- Pasadena-Foothills Chapter of Citizens Climate Lobby
- Acterra: Action for a Healthy Planet
- Greenbank Associates
- West Berkeley Alliance for Clean Air and Safe Jobs
- Laudate Deum Prayer Network for Climate Healing
- 350 Berkeley Hub
- California Alliance for Community Energy
- City of Santa Monica
- Climate Health Now Action Fund
- Community Renewable Solutions LLC
- Democratic Club of West Orange County
- Elders Climate Action (ECA) Southern California (SoCal) Chapter
- Greenpeace USA
- Humboldt Progressive Democrats
- Local Clean Energy Alliance
- Local Government Sustainable Energy Coalition
- Pacifica Climate Committee
- Pacifica Housing For All (PH4A)
- Project Green Home
- Reclaim Our Power: Utility Justice Campaign
- Sonoma County Climate Activist Network (SoCoCAN!)
- Sustainable Mill Valley
- Sustainable San Mateo County
- Sustainable Systems Research Foundation
- The Energy Coalition
- Third Act San Francisco Bay Area
- Third Act SoCal
- Western Center on Law and Poverty

FOR MORE INFORMATION

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SB-222 Residential heat pump systems: water heaters and HVAC: installations. (2025-2026)

Date Published: 01/15/2026 09:00 PM

AMENDED IN SENATE JANUARY 15, 2026

AMENDED IN SENATE JANUARY 05, 2026

AMENDED IN SENATE MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL **NO. 222**

Introduced by Senator Wiener
(Coauthors: Senators Allen, Becker, and Stern)

January 27, 2025

An act to add Section 4737 to the Civil Code, and to add Chapter 7.5 (commencing with Section 51297.50) to Part 1 of Division 1 of Title 5 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 222, as amended, Wiener. Residential heat pump systems: water heaters and HVAC: installations.

(1) Existing law establishes the State Energy Resources Conservation and Development Commission and prescribes the authorities, duties, and responsibilities of the commission pertaining to energy matters. Existing law requires the commission, on or before January 1, 2019, in consultation with the Contractors State License Board, local building officials, and other stakeholders, to approve a plan that promotes compliance with specified regulations relating to building energy efficiency standards in the installation of central air-conditioning and heat pumps, as specified. Existing law authorizes the commission to adopt regulations to increase compliance with permitting and inspection requirements for central air-conditioning and heat pumps, and associated sales and installations, consistent with the above-described plan.

The bill would require a city, county, or city and county, beginning July 1, 2027, to adopt and offer asynchronous inspections for installations of residential heat pump water heater or heat pump HVAC systems, as defined, that do not require a licensed contractor and building inspector to be simultaneously present during the inspection. The bill would authorize a building inspector to contact the licensed contractor who performed the installation by telephone call or real-time video conferencing during their inspection, and, if the building inspector determines during an asynchronous inspection that there is an issue with an installation of the heat pump water heater or

heat pump HVAC system and that the licensed contractor who performed the installation must be present to perform tests or cure the installation, to require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are required to be simultaneously present during the additional inspection. The bill would specify that these provisions do not require a local entity described above to discontinue offering inspections for the installation of a residential heat pump water heater or heat pump HVAC system where in a building inspector and licensed contractor who performed the installation are simultaneously present.

The bill would authorize a city, county, or city and county, on or before July 1, 2028, *and except as specified,* to issue up to one nondiscretionary permit per installation of a residential heat pump water heater or heat pump HVAC system in which the local entity administratively approves an application to install the residential heat pump water heater or heat pump HVAC system. The bill would specify that nothing in that provision is to be construed to prevent a local entity described above from issuing separate permits for a panel replacement or demolition work conducted as part of the residential heat pump installation.

The bill would authorize a city, county, or city and county to apply only certain planning or zoning or workforce labor standards on the installation of a residential heat pump water heater or residential heat pump HVAC system that are in addition to any state-level requirements, including additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency. The bill would prohibit a local entity described above from requiring a permit or inspection for plug-in ready window air-conditioner or window heat pump HVAC systems, provided that certain requirements are met, including that the appliance has a voltage rating of 120 volts or less and the appliance is a self-contained unit.

The bill would require a city, county, or city and county, on or before July 1, 2028, to implement an online, ~~instant~~ *automated* permitting process that issues permits in real time to a licensed contractor for the installation of a residential heat pump water heater or residential heat pump HVAC system that meets certain criteria, including that the installation is for a residential heat pump water heater or heat pump HVAC system that does not require installation of a new electrical ~~panel, or demolition~~ *panel* or structural ~~work.~~ *work, and if the installation is for a residential heat pump HVAC system, that the licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment per certain provisions and provides the load calculation to the local authority having jurisdiction upon request. By expanding the crime of perjury, the bill would impose a state-mandated local program.* The bill would ~~authorize~~ *specify the methods that* a local entity described above ~~to~~ *may use to* comply with the above-described ~~requirement by using,~~ *requirement, including,* among other things, an automated platform that can issue permits in real time. The bill would ~~require~~ *require, for an installation of a residential heat pump water heater or heat pump HVAC system,* the local entity to publish and make publicly available, among other things, any required permitting documentation, on their internet website. The bill would require the local entity to allow an applicant to, among other things, submit a permit application and associated documentation electronically. ~~The bill would require a local entity described above that applies to receive any funding from the commission to self-certify to the commission its compliance with any applicable portions of the bill's provisions.~~ The bill would exempt from these provisions a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, as specified.

The bill would, except as provided, prohibit a city, county, or city and county from charging a permit fee for a residential heat pump water heater and heat pump HVAC system that exceeds the estimated reasonable cost of providing the service for which the fee is charged, subject to specified requirements, including that the permit fee for a residential heat pump water heater system does not exceed $150. The bill would, notwithstanding that provision, authorize a local entity described above to charge a permit fee, as specified, for the installation of a residential heat pump water heater or heat pump HVAC system that exceeds the above-described fee limit, as specified, if the local entity, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit, and would prohibit a local entity described above from applying additional charges above the publicly listed fee.
The bill would require a local entity described above that applies to receive any funding from the commission to self-certify to the commission its compliance with any applicable portions of the bill's provisions. By imposing additional duties on local entities described above, the bill would impose a state-mandated local program.

The bill would include findings and declarations related to these provisions.

(2) Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Among other things, the act makes a provision of the governing document or architectural or

landscaping guidelines or policies void and unenforceable if, among other things, the provision prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf.

This bill would additionally make any provision of the governing documents, architectural guidelines, or policies void and unenforceable if the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance. The bill would also make any covenant, restriction, or condition contained in any, among other specified agreements, deed, and any provision of a governing document, that effectively prohibits or restricts the installation or use of a residential heat pump water heater or heat pump HVAC system, void and unenforceable.

(3) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.
~~(4)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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

(4) 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, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.
Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 4737 is added to the Civil Code, to read:

4737. (a) Notwithstanding any other law, any provision of the governing documents, architectural guidelines, or policies shall be void and unenforceable if the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(b) 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 residential heat pump water heater or heat pump heating, ventilation, and air-conditioning (HVAC) system is void and unenforceable.

SEC. 2. Chapter 7.5 (commencing with Section 51297.50) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 7.5. Residential Heat Pump System Installation

51297.50. The Legislature finds and declares all of the following:

(a) The oversight of permitting for residential heat pump water heater and heat pump heating, ventilation, and air-conditioning (HVAC) systems is a matter of statewide concern and not a municipal affair. Therefore, this chapter shall apply to all cities and counties, including a charter city.

(b) Nothing in this chapter is intended to imply the approval of any other local fees for heat pump permitting not specified in this chapter.

(c) It is the intent of the Legislature that local agencies do not adopt ordinances that create unreasonable barriers to the installation of heat pumps and not unreasonably restrict the ability of home and residential property owners to install heat pumps.

(d) It is the policy of the state to promote and encourage the use of zero-emission water heating and space heating and cooling systems, and to limit obstacles to their use.

(e) It is the intent of the Legislature that local agencies comply not only with provisions declared in this section, but also the legislative intent to encourage the installation of residential heat pump systems by removing obstacles to, and minimizing costs of, permitting, so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(f) Each state entity, including the commission and the Department of Housing and Community Development, should streamline codes and standards compliance processes with the intent of increasing permitted work without undermining the integrity of the code measures, especially when it comes to appliance retrofits.

51297.51. For purposes of this chapter, the following definitions apply:

(a) "Commission" means the State Energy Resources Conservation and Development Commission, which is also known as the Energy Commission.

(b) "HVAC" means heating, ventilation, and air-conditioning.

(c) "Residential heat pump water heater or heat pump HVAC system" means a single heat pump water heater or heat pump HVAC system that serves one residential dwelling unit.

(d) (1) "Swapout" means a residential heat pump water heater or residential heat pump HVAC system installation where a new heat pump water heater or HVAC air handler and outdoor coil is being installed in the same location on a property as the prior water heater or air handler and condenser that it is replacing.

(2) "Swapout" does not include either of the following:

(A) An installation that requires modification, replacement, or installation of more than 25 linear feet of ductwork.

(B) An installation that replaces a package unit with a split system or a split system with a package unit.

51297.52. (a) Beginning July 1, 2027, a city, county, or city and county shall adopt and offer asynchronous inspections for installations of residential heat pump water heater or heat pump HVAC systems that do not require a licensed contractor and building inspector to be simultaneously present during the inspection of an installation of a residential heat pump water heater or heat pump HVAC system.

(b) A building inspector may contact the licensed contractor who performed the installation of the heat pump water heater or heat pump HVAC system by telephone call or real-time video conferencing during their inspection.

(c) If a building inspector determines during an asynchronous inspection that there is an issue with an installation of the heat pump water heater or heat pump HVAC system and that the licensed contractor who performed the installation must be present to perform tests or cure the installation, the building inspector may require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are both required to be simultaneously present during the additional inspection.

(d) Nothing in this section shall be construed to require a city, county, or city and county to discontinue offering inspection options for the installation of a residential heat pump water heater or heat pump HVAC system where in a building inspector and licensed contractor who performed the installation are simultaneously present.

51297.53. (a) On or before January 1, 2028, a city, county, or city and county may issue up to one nondiscretionary permit per installation of a residential heat pump water heater or heat pump HVAC system in which the city, county, or city and county administratively approves an application to install the residential heat pump water heater or heat pump HVAC system.

(b) This section shall not be construed to prevent a city, county, or city and county from issuing separate permits for a panel replacement or ~~demolition~~ *structural* work conducted as part of the residential heat pump installation.

(c) Notwithstanding subdivision (a), a city, county, or city and county may issue more than one nondiscretionary permit requested by a licensed contractor per installation of a residential heat pump water heater or heat pump HVAC system if the building official makes written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact on public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

51297.54. (a) A city, county, or city and county may apply only any of the following planning or zoning or workforce labor standards on the installation of a residential heat pump water heater or residential heat pump HVAC system that are in addition to any state-level requirements:

(1) Additional standards for setbacks for installations not to exceed 3 feet in side yards and backyards or 10 feet in front yards. If a city, county, or city and county requires the submission of site plans for applications for permits for installations of residential heat pump water heater or residential heat pump HVAC systems, the city, county, or city and county shall require only site plan information directly relevant to the installation or to determining setback compliance. Site plans shall not be required for applications for permits for ~~same-place swapout installations of residential heat pump water heater or residential heat pump HVAC systems, when those installations are replacing equipment in the same location that performed the same purpose.~~ *a swapout.*

(2) Additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency.

(3) Additional planning or zoning standards relating to the installation of a residential heat pump water heater or heat pump HVAC system if the city, county, or city and county adopts an ordinance that includes substantial evidence that the standard is designed to mitigate the specific, adverse impact on the public health or safety at the lowest cost possible.

(4) Additional standards to regulate noise in a residential setting for inverter-based heat pump technologies, not to be less than 15 decibels higher than any statutory maximum regulating decibel limits for noninverter-based technologies.

(5) Any additional standards, including workforce labor standards, on an installation of a residential heat pump water heater or heat pump HVAC system that receives public subsidies or other public funding. For purposes of this paragraph, "workforce labor standards" include, but are not limited to, the payment of prevailing wages and the employment of apprentices from apprenticeship programs approved by the Division of Apprenticeship Standards.

(b) A city, county, or city and county shall not require a permit or inspection for plug-in ready window air-conditioner or window heat pump HVAC systems, provided that all of the following requirements are met:

(1) The appliance has a voltage rating of 120 volts or less.

(2) The appliance is a self-contained unit.

(3) The installation of the appliance does not require the installation of a dedicated circuit for the appliance.

(4) The installation of the appliance does not require an upgrade to the electrical panel to accommodate the additional load of the appliance.

(5) The installation of the appliance does not require the installation of drainage or structural modifications.

51297.55. (a) On or before July 1, 2028, a city, county, or city and county, other than a city, county, or city and county described in subdivision ~~(f),~~ *(c),* shall, consistent with the goals and intent of this chapter, implement an online, ~~instant~~ *automated* permitting process that issues permits *in real time* to a licensed contractor ~~in real time~~ for the installation of a residential heat pump water heater or heat pump HVAC system that meets ~~both~~ *all* of the following criteria:

(1) The installation is for a residential heat pump water heater or heat pump HVAC system that does not require installation of a new electrical ~~panel, or demolition~~ *panel* or structural work.

~~(2)The installation is for a residential heat pump water heater or heat pump HVAC system swapout, and either of the following apply, as applicable:~~

~~(A)The new residential heat pump water heater is being installed in the same location as the prior water heater that it is being replacing.~~

~~(B)The new residential heat pump HVAC system is being installed in the same location as the prior furnace or air conditioning system that it is replacing.~~

(2) The installation is a swapout.

(3) If the installation is for a residential heat pump HVAC system, the licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment per the Air Conditioning Contractors of America Association, Inc. Manual J Residential Load Calculation, the Sheet Metal and Air Conditioning Contractors' National Association Residential Comfort Systems Installation Standards Manual, the California Mechanical Code, or successor provisions, and provides the load calculation to the local authority having jurisdiction upon request.

(b) (1) ~~A~~ *The methods that a* city, county, or city and county may *use to* comply with the requirements described in subdivision (a) ~~by using~~ *may include, but are not limited to,* an automated platform that can issue permits in real time or using an online form-based system that can instantly issue permits upon completion of the online form.

(2) If a city, county, or city and county requires a CF1R form at the time of the permit application, the city, county, or city and county shall not otherwise require information duplicative to and supplied on the CF1R form provided by the applicant, except for the applicant's name and the residential address of the project.

~~(c)The city, county, or city and county shall publish and make publicly available a list of the requirements adopted pursuant to Section 51297.54, any required permitting documentation, and a list of all relevant fees and fee amounts that may be imposed by the city, county, or city and county on a residential heat pump water heater or heat pump HVAC system, including, but not limited to, permit fees and inspection fees, on their internet website.~~

~~(d)The city, county, or city and county shall allow an applicant to submit a permit application and associated documentation electronically, and shall allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.~~

~~(e)If a city, county, or city and county applies to receive any funding from the State Energy Resources Conservation and Development Commission, the city, county, or city and county shall self-certify to the commission its compliance with any applicable provisions of this chapter, including subdivision (b).~~

~~(f)~~

(c) This section shall not apply to a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.

51297.56. *(a) For an installation of a residential heat pump water heater or heat pump HVAC system, a city, county, or city and county, other than a city, county, or city and county described in subdivision (c), shall publish and make publicly available a list of the requirements adopted pursuant to Section 51297.54, any required permitting documentation, and a list of all relevant fees and fee amounts that may be imposed by the city, county, or city and county on a residential heat pump water heater or heat pump HVAC system, including, but not limited to, permit fees and inspection fees, on their internet website.*

(b) The city, county, or city and county shall allow an applicant to submit a permit application and associated documentation electronically, and shall allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.

(c) This section shall not apply to a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.

~~**51297.56.**~~***51297.57.*** (a) (1) A city, county, or city and county, except as provided in subdivision (b), shall not charge a permit fee for a residential heat pump water heater or heat pump HVAC system that exceeds the estimated reasonable cost of providing the service for which the fee is charged, subject to the following limitations:

(A) The permit fee for a residential heat pump water heater system shall not exceed one hundred fifty dollars ($150).

(B) The permit fee for a residential heat pump HVAC system shall not exceed two hundred dollars ($200).

(2) Paragraph (1) shall not apply to a city with a population of fewer than 5,000 persons and a county with a population of fewer than 150,000 persons, including each city within that county.

(3) The limitations imposed by paragraph (1) shall not be construed to apply to technology fees charged by third-party vendors for services adopted by jurisdictions to process compliance checks and issue permits.

(b) (1) Notwithstanding subdivision (a), a city, county, or city and county may charge a permit fee for the installation of a residential heat pump water heater or a heat pump HVAC system that exceeds the fee limits specified in subdivision (a) if the city, county, or city and county, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit.

(2) A permit fee described in paragraph (1) shall be subject to all of the following requirements:

(A) The fee shall correspond to the typical reasonable cost demonstrated by the city, county, or city and county for the equipment type.

(B) The fee shall be set at a regular fixed amount per appliance type.

(C) The fee shall be listed publicly.

(c) A city, county, or city and county shall not apply additional charges above the publicly listed fee.

51297.58. *If a city, county, or city and county applies to receive any funding from the State Energy Resources Conservation and Development Commission, the city, county, or city and county shall self-certify to the commission its compliance with any applicable provisions of this chapter.*

SEC. 3. The Legislature finds and declares that the oversight of permitting for residential heat pump water heater and heat pump heating, ventilation, and air-conditioning (HVAC) systems is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act, adding Chapter 7.5 (commencing with Section 51297.50) to Part 1 of Division 1 of Title 5 of the Government Code, applies to all cities, including charter cities.

~~SEC. 4.If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

SEC. 4. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

AB-2389 Property taxation: active solar energy systems: customer sited: extension.

(2025-2026)

Date Published: 02/20/2026 09:00 PM

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL NO. 2389

Introduced by Assembly Member Irwin
(Principal coauthor: Senator McNerney)
(Coauthor: Senator Blakespear)

February 20, 2026

An act to amend Section 73 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, as introduced, Irwin. Property taxation: active solar energy systems: customer sited: extension.

The California Constitution generally limits the maximum rate of ad valorem tax on real property to 1% of the full cash value of the property and defines "full cash value" for these purposes as the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Pursuant to constitutional authorization, existing property tax law excludes from the definition of "newly constructed" for these purposes the construction or addition of any active solar energy system, as defined, through the 2025–26 fiscal year.

This bill would extend, for lien dates commencing on or after January 1, 2027, and before January 1, 2031, the above-described exclusion for customer-sited, active solar energy systems with a system size of less than or equal to 2 megawatts and for customer-sited, active solar energy systems that are sited on the property of a public entity customer. The bill would make conforming changes. By imposing additional duties on local tax officials, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Existing law requires the state to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding those provisions, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.
Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 73 of the Revenue and Taxation Code is amended to read:

73. (a) Pursuant to the authority granted to the Legislature pursuant to paragraph (1) of subdivision (c) of Section 2 of Article XIII A of the California Constitution, the term "newly constructed," as used in subdivision (a) of Section 2 of Article XIII A of the California Constitution, does not include the construction or addition of any active solar energy system, as defined in subdivision (b).

(b) (1) *(A)* "Active solar energy system" means a system that, upon completion of the construction of a system as part of a new property or the addition of a system to an existing property, uses solar devices, which are thermally isolated from living space or any other area where the energy is used, to provide for the collection, storage, or distribution of solar energy.

~~(2)~~

(B) "Active solar energy system" does not include solar swimming pool heaters or hot tub heaters.

~~(3)~~

(C) Active solar energy systems may be used for any of the following:

~~(A)~~

(i) Domestic, recreational, therapeutic, or service water heating.

~~(B)~~

(ii) Space conditioning.

~~(C)~~

(iii) Production of electricity.

~~(D)~~

(iv) Process heat.

~~(E)~~

(v) Solar mechanical energy.

(2) "Customer sited" means a system that is installed on the property of a customer for the purpose of managing the customer's own electrical needs.

(3) "Public entity customer" means a customer that is a "public entity," as defined in Section 8036 of the Civil Code.

(4) "System size" of an active solar energy system means the solar nameplate capacity, as measured in megawatts of alternating current.

(c) For the purposes of this section, "occupy or use" has the same meaning as defined in Section 75.12.

(d) (1) (A) The Legislature finds and declares that the definition of spare parts in this paragraph is declarative of the intent of the Legislature, in prior statutory enactments of this section that excluded active solar energy

systems from the term "newly constructed," as used in the California Constitution, thereby creating a tax appraisal exclusion.

(B) An active solar energy system that uses solar energy in the production of electricity includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. In general, the use of solar energy in the production of electricity involves the transformation of sunlight into electricity through the use of devices such as solar cells or other solar collecting equipment. However, an active solar energy system used in the production of electricity includes only equipment used up to, but not including, the stage of conveyance or use of the electricity. For the purpose of this paragraph, the term "parts" includes spare parts that are owned by the owner of, or the maintenance contractor for, an active solar energy system that uses solar energy in the production of electricity and which spare parts were specifically purchased, designed, or fabricated by or for that owner or maintenance contractor for installation in an active solar energy system that uses solar energy in the production of electricity, thereby including those parts in the tax appraisal exclusion created by this section.

(2) An active solar energy system that uses solar energy in the production of electricity also includes pipes and ducts that are used exclusively to carry energy derived from solar energy. Pipes and ducts that are used to carry both energy derived from solar energy and from energy derived from other sources are active solar energy system property only to the extent of 75 percent of their full cash value.

(3) An active solar energy system that uses solar energy in the production of electricity does not include auxiliary equipment, such as furnaces and hot water heaters, that use a source of power other than solar energy to provide usable energy. An active solar energy system that uses solar energy in the production of electricity does include equipment, such as ducts and hot water tanks, that is utilized by both auxiliary equipment and solar energy equipment, that is, dual use equipment. That equipment is active solar energy system property only to the extent of 75 percent of its full cash value.

(e) (1) Notwithstanding any other law, for purposes of this section, "the construction or addition of any active solar energy system" includes the construction of an active solar energy system incorporated by the owner-builder in the initial construction of a new building that the owner-builder does not intend to occupy or use. The exclusion from "newly constructed" provided by this subdivision applies to the initial purchaser who purchased the new building from the owner-builder, but only if the owner-builder did not receive an exclusion under this section for the same active solar energy system and only if the initial purchaser purchased the new building prior to that building becoming subject to reassessment to the owner-builder, as described in subdivision (d) of Section 75.12. The assessor shall administer this subdivision in the following manner:

(A) The initial purchaser of the building shall file a claim with the assessor and provide to the assessor any documents necessary to identify the value attributable to the active solar energy system included in the purchase price of the new building. The claim shall also identify the amount of any rebate for the active solar energy system provided to either the owner-builder or the initial purchaser by the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, an electrical corporation, a local publicly owned electric utility, or any other agency of the State of California.

(i) (I) The claim for an exclusion under this subdivision shall be considered timely if it is filed within three years of the date of purchase.

(II) An otherwise valid claim for exclusion under this subdivision filed after the deadline set by subclause (I) shall be applied beginning on the lien date of the assessment year in which the claim is filed.

(ii) The provisions of clause (i) shall become operative on January 1, 2027.

(B) The assessor shall evaluate the claim and determine the portion of the purchase price that is attributable to the active solar energy system. The assessor shall then reduce the new base year value established as a result of the change in ownership of the new building by an amount equal to the difference between the following two amounts:

(i) That portion of the value of the new building attributable to the active solar energy system.

(ii) The total amount of all rebates, if any, described in subparagraph (A) that were provided to either the owner-builder or the initial purchaser.

(C) The extension of the new construction exclusion to the initial purchaser of a newly constructed new building shall remain in effect only until there is a subsequent change in ownership of the new building.

(2) The State Board of Equalization, in consultation with the California Assessors' Association, shall prescribe the manner, documentation, and form for claiming the new construction exclusion required by this subdivision.

(f) Notwithstanding any other law, the exclusion from new construction provided by this section shall remain in effect only until there is a subsequent change in ownership.

(g) ~~This~~ *(1) For all active solar energy systems, this* section applies to property tax lien dates for the 1999–2000 fiscal year to the 2025–26 fiscal year, inclusive.

(2) For customer-sited, active solar energy systems with a system size of less than or equal to two megawatts and for customer-sited, active solar energy systems that are sited on the property of a public entity customer, this section shall continue to apply to property tax lien dates occurring on or after January 1, 2027, and before January 1, 2031.

(h) *(1)* The amendments made to this section by ~~the act that added this subdivision~~ *Chapter 358 of the Statutes of 2008* apply beginning with the lien date for the 2008–09 fiscal year.

(2) The amendments made to this section by the act that added this paragraph apply beginning with the lien date occurring on January 1, 2027.

(i) (1) Except as provided in paragraph (2), this section shall remain in effect only until January 1, ~~2027.~~ *2032.*

(2) Notwithstanding paragraph (1), active energy solar systems that qualify for an exclusion under this section prior to January 1, ~~2027,~~ *2032,* shall continue to be excluded on and after January 1, ~~2027,~~ *2032,* until there is a subsequent change in ownership.

(j) Section 41 shall not apply to ~~the extension of the exclusion under this section made by the act adding this subdivision.~~ *the exclusion provided by this section, including any extensions of the exclusion.*

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 3. Notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

SB-868 Electricity: portable solar generation devices. (2025-2026)

Date Published: 03/23/2026 02:30 PM

AMENDED IN SENATE MARCH 23, 2026

AMENDED IN SENATE MARCH 05, 2026

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL NO. 868

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Schultz)
~~(Coauthor: Senator Becker)~~*(Coauthors: Senators Arreguín, Becker, and McNerney)*
(Coauthors: Assembly Members Connolly and Ward)

January 05, 2026

An act to add Chapter 13 (commencing with Section 8530) to Division 4.1 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 868, as amended, Wiener. Electricity: portable solar generation devices.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards.

This bill would exempt a portable solar generation device, as defined, from all interconnection requirements imposed by state law, the commission, electrical corporation rules, or local publicly owned electric utility rules, as specified. The bill would prohibit an electrical corporation or a local publicly owned electric utility from requiring a customer using a portable solar generation device to take specified actions, including, among other things, paying any fee or charge related to the device or the electricity the device feeds into a building's electrical system. *The bill would authorize an electrical corporation or a local publicly owned electric utility to require a customer using a portable solar generation device to notify the electrical corporation or local publicly owned electric utility, using a simple online registration form, of the address and size of the portable solar generation device, as provided.*

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of a commission action implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program.

Additionally, by imposing new duties on local publicly owned electric utilities, the 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 specified reasons.
Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Electricity is an essential resource, especially on hot summer days.

(2) The rising cost of electricity is a barrier to basic necessities, such as air conditioning.

(3) Interconnection fees and processes can add substantial costs and time to the adoption of customer-sited solar and energy storage projects.

(4) It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use.

(b) It is the intent of the Legislature to encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, those systems.

SEC. 2. Chapter 13 (commencing with Section 8530) is added to Division 4.1 of the Public Utilities Code, to read:

CHAPTER 13. Portable Solar Generation Devices

8530. For purposes of this chapter, all of the following definitions apply:

(a) "Electrical corporation" has the same meaning as defined in Section 218.

(b) "Local publicly owned electric utility" has the same meaning as defined in Section 224.3.

(c) "Portable solar generation device" means a moveable photovoltaic energy generation device that meets all of the following conditions:

(1) Has a maximum aggregated AC output of 1,200 watts ~~to a building's electrical system.~~ *per dwelling.*

(2) Is designed to be connected to a building's electrical system through a single standard electrical outlet.

(3) Is intended to offset the customer's onsite electricity consumption.

(4) Meets the standards of the most recent version of the National Electrical Code.

~~(4)~~

(5) Is certified as a plug-in photovoltaic system by Underwriters Laboratories or an equivalent nationally recognized testing laboratory.

~~(5)~~

(6) Includes a feature, certified by Underwriters Laboratories or an equivalent nationally recognized testing laboratory, that isolates the portable solar generation device from the building's electrical system to prevent the portable solar generation device from backfeeding electricity to the electrical grid during a power outage.

8531. (a) A portable solar generation device is exempt from all interconnection requirements imposed by state law, the commission, electrical corporation rules, or local publicly owned electric utility rules, including, but not limited to, any requirement to enter into an interconnection agreement.

(b) An electrical corporation or a local publicly owned electric utility shall not require a customer using a portable solar generation device to do any of the following:

(1) Obtain the electrical corporation's or local publicly owned electric utility's approval before installing or using the portable solar generation device.

~~(2)Provide notification or registration for the use of a portable solar generation device.~~

~~(3)~~

(2) Pay any fee or charge related to the portable solar generation device or the electricity the portable solar generation device feeds into a building's electrical system.

~~(4)~~

(3) Install any additional controls or equipment beyond what is integrated into the portable solar generation device.

(c) An electrical corporation or a local publicly owned electric utility may require a customer using a portable solar generation device to notify the electrical corporation or local publicly owned electric utility, using a simple online registration form, of the address and size of the portable solar generation device. The notification shall not require approval of the customer's use of the portable solar generation device by the electrical corporation or local publicly owned electric utility.

SEC. 3. 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 or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SB 868 (Wiener) Plug Into The Sun Coalition Sign on Letter
Click here to sign on

March 10, 2026

Senator Scott Wiener
California State Senate
Sacramento, CA 95814

RE: Support for SB 868 (Wiener) – The Plug Into The Sun Act

Dear Senator Wiener,

As a coalition of leading environmental, consumer, low-income, tenants' rights, and clean energy organizations, we write to express our collective support for SB 868, the Plug Into The Sun Act.

We thank you for your outstanding leadership in addressing the dual problems of energy insecurity and air pollution by clearing the way for the growth of a new consumer-oriented solution: Balcony Solar.

Californians need greater access to affordable and reliable electricity. This is a matter of public health, especially as temperatures rise. Meanwhile, the state's continued reliance on fossil fuels for electricity, heating and transportation perpetuates air quality problems which, in turn, drive more extreme temperatures. These dual problems are inextricably linked and require California's immediate attention.

Fortunately, California is not without solutions to help our state move forward. One of the most effective solutions is also the most obvious and the most politically popular: reduce red tape and expand access to the sun through "Balcony Solar".

This new technology, aka "plug-in solar," involves small, portable solar panels that require nothing more than a patch of sunlight and a standard electrical outlet to immediately provide power for a home. Because the devices are small, affordable and portable they are especially promising for California renters, giving them increased access to the sun.

Through SB 868, California can bring immediate utility bill relief to millions of households while contributing to the state's clean energy goals.

Energy Insecurity

As electricity bills soar, more and more California households face energy insecurity. In 2025, the California Public Policy Institute (PPIC) reported that 1.9 million California households had overdue electricity bills, and 50,000 had their service disconnected.[1]

[1] From PPIC blog, "Low-Income Households Struggle with the Cost of Electricity Bills", August 2025. https://www.ppic.org/blog/low-income-households-struggle-with-the-cost-of-electricity-bills/#:~:text=California%20household%20electricity%20costs%20have,costs%20that%20exceed%20this%20threshold.

Statistics about families falling behind in their monthly bill payments tell only part of the story. According to the Lawrence Berkeley National Labs (LBNL), the Energy Information Administration reports that millions of families facing energy insecurity resort to coping strategies such as keeping homes at uncomfortable and potentially dangerous temperatures or choosing between adequate heating or cooling and purchasing food. Researchers refer to this as the "heat or eat" dilemma.[2]

While California has a number of critical safety net strategies to help low-income households keep the lights on, there is a limit to these programs' effectiveness as electricity costs and temperatures rise.[3] As the PPIC reports, most households receiving some form of assistance see their utility bills reduced by 45% or *less*. Tellingly, households receiving some form of assistance make up a substantial proportion of utility service disconnects.[4]

Furthermore, families earning an annual income above the cutoff for utility bill assistance still suffer when energy becomes unaffordable, as does the overall California economy as families spend a higher percentage of their income on utility bills instead of saving or making other investments.

The Dirty Energy-Increased Costs Feedback Loop

While California has made significant progress promoting clean energy, the state is falling behind its 100% clean energy goals. Meanwhile, climate researchers continue to sound the alarm that the world must accelerate carbon reductions in order to stave off the worst impacts of climate change.

Yet, as temperatures rise, Californians will consume more energy, making zero carbon goals even harder to reach. And, as utility rates rise, the ability for working- and middle-class Californians to embrace decarbonization strategies such as switching to electric cars or electric appliances in the home is jeopardized.

These negative dynamics work together in unfortunate harmony, making solving a variety of problems more and more difficult. Multi-dimensional solutions that can solve energy insecurity and climate change are urgently needed.

Customer-Sited Solar Energy: A Win-Win Solution

Putting the power of the sun in the hands of everyone helps address all of the problems discussed above. When consumers can plug into the sun themselves, reducing their purchases of utility-supplied electricity, they can see immediate and significant utility bill reductions while contributing to the state's clean energy goals.

According to LBNL, customer-sited solar panels significantly reduce energy insecurity. Their research shows that solar households are "44% less likely to report being unable to

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[2] See Lawrence Berkeley National Labs, "The effect of residential solar on energy insecurity among low- to moderate-income households," March 2025, https://emp.lbl.gov/publications/effect-residential-solar-energy

[3] Social security net programs include CARE and FERA rate discounts, one-time bill payment assistance by the utilities, LIHEAP grants, and community-based organization support.

[4] Ibid, PPIC.

pay their electricity bills, 46% less likely to receive a disconnection notice from their electricity provider, 15% less likely to reduce their energy consumption to save money on energy costs, 34% less likely to forgo necessary expenses to pay an energy bill, and 20% less likely to keep the home at an uncomfortable temperature."[5]

Meanwhile, customer-sited solar systems add together to make a sizable contribution to California's clean energy goals and climate change solutions. To date, California consumers have collectively built 20 gigawatts of customer-sited solar, making up over 40% of the state's total solar energy resources. Expanding the state's market to include Balcony Solar can expand upon the state's critically important rooftop solar market. In Germany, for example, consumers have added at least 4 gigawatts of solar energy in just four years through their emergent Balcony Solar market. California's potential for Balcony Solar is even greater.

SB 868 Is Urgently Needed

While portable solar energy devices are a no-brainer solution to many problems, unnecessary utility red tape threatens prohibitive costs and delays. A single, 400-watt Balcony Solar panel can, at its peak energy production, provide enough electricity to power a standard refrigerator, a home computer and a few lights. Two or more panels strung together can provide enough electricity to power a window-unit air conditioner. Throughout the year, a Balcony Solar system could cut a household utility bill by up to 20%-25% while costing between $500-$3,000 depending on size and the addition of a battery. As the market grows and red tape is reduced, costs will inevitably decline.

Yet, California utilities are already threatening to require, for even the smallest portable solar devices, interconnection agreements designed for larger, hard-wired systems. Utility interconnection will make Balcony Solar more expensive and time-consuming and put it out of reach for many California consumers before the technology reaches the market.

Meanwhile, California's emergent Balcony Solar industry will also benefit modern safety standards.

Specifically, SB 868 will:

- Define a portable solar energy device as a device that meets a consumer's on-site electricity needs;
- Establish mandatory safety standards for a portable solar energy device;
- Prohibit unnecessary utility red tape;
- Drive economies of scale for portable solar energy devices to help lower costs for all consumers.

Conclusion

Growing consumer access to solar energy via modernizing and reducing red tape for Balcony Solar will lower energy bills, especially for renters, diversify energy resources, reduce strain on the electric grid, and help cut air pollution. For these and many other reasons, we enthusiastically support SB 868.

---

[5] Ibid, LBNL

Thank you, again, for your leadership.

Signed Sign On Here,

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Senior Vice President-California
Environmental Working Group

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State Director
Environment California

Caroline Torosis
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