[Third Reprint]

SENATE, No. 2368

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

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SYNOPSIS

"Garden State Balcony Solar Act"; exempts portable solar generation devices from certain requirements, and requires certain entities to allow use and installation of portable solar generation devices.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 28, 2026, with amendments.

(Sponsorship Updated As Of: 6/30/2026)

AN ACT concerning portable solar electric power generation systems and supplementing [2]**[**Title**]** Titles 40, 46, and[2] 48 of the Revised Statutes [2]**[**[1]and P.L.1975, c.217 (C.52:27D-119 et seq.)[1]**]**[2].

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

[2]1. This act shall be known and may be cited as the "Garden State Balcony Solar Act."[2]

[2]**[**1.**]** 2.[2] a. As used in this section:

"Board" means the Board of Public Utilities.

"Electric public utility" means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

"Portable solar generation device" means a moveable photovoltaic generation device [2]and associated equipment[2] that: (1) has a maximum power output of not more than 1,200 watts; (2) is designed to be connected to a building's electrical system through a standard 120-volt alternating current outlet; (3) is [2]located on the customer's side of the electrical meter and is[2] intended primarily to offset part of the customer's electricity consumption; (4) [2]**[**meets the standards of the most recent version of the National Electrical Code; and (5)**]**[2] is [2]listed or[2] certified [2]**[**by Underwriters Laboratories or an equivalent nationally recognized testing laboratory**]** in accordance with Underwriters Laboratories Standard No. 3700, the "Outline of Investigation for Interactive Plug-in Photovoltaic Equipment and Systems," or a comparable standard, or a combination of standards that together address plug-in photovoltaic safety and grid-parallel by a nationally recognized testing laboratory; and (5) includes a device or feature that prevents the portable solar generation device from exporting power to the electrical distribution system during a power outage[2] .

b. Notwithstanding the provisions of P.L.1999, c.23 (C.48:3-49 et al.), or any other law, rule, regulation, or board order to the contrary, a portable solar generation device shall be exempt from:

(1) any requirement to obtain or execute an interconnection agreement prior to operating the portable solar generation device under P.L.1999, c.23 (C.48:3-49 et al.) or any other law, rule, or regulation; and

(2) net metering program requirements under P.L.1999, c.23 (C.48:3-49 et al.) or any other law, rule, or regulation.

c. An electric public utility shall not require a customer using a portable solar generation device to:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SEN committee amendments adopted March 16, 2026.
[2]Assembly ASL committee amendments adopted June 23, 2026.
[3]Assembly ABU committee amendments adopted June 28, 2026.

(1) obtain the electric public utility's prior approval before installing or using the device;

(2) pay any fee or charge related to the device; or

(3) install any additional controls or equipment beyond what is integrated into the device.

d. An electric public utility shall not be held liable in a civil action for [2]: (1)[2] any damage or injury [2]proximately[2] caused by a customer's use of a portable solar generation device [2]; or (2) any overvoltage, power quality, or power flow issue proximately caused by the use of one or more portable solar generation devices, including the combined impact of multiple portable solar generation devices used by one or more customers in proximity to one another[2] .

[2]e. A portable solar generation device shall comply with the applicable installation provisions of the product listing, and the applicable installation provisions of the most recent versions of the National Electrical Code and the State Uniform Construction Code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), except that a portable solar generation device that has a maximum power output to the receptacle outlet of 400 watts or less shall be exempt from any provision in the product listing, National Electrical Code, or State Uniform Construction Code that would require alterations to the building's premises, wiring, or electrical panels. However, all portable solar generation devices shall comply with any applicable portable solar generation device provisions of the 2029 National Electrical Code, when those provisions are incorporated into the State Uniform Construction Code by the Commissioner of Community Affairs.

f. The combined maximum power output of all portable solar generation devices operated by an electricity customer at a single service address, or, in the case of multi-family housing, at a single dwelling unit, shall not exceed 1,200 watts, unless an interconnection agreement is obtained or executed under P.L.1999, c.23 (C.48:3-49 et al.) prior to operating portable solar generation devices with a combined output exceeding 1,200 watts.[2]

[2][1]2. a. As used in this section, "portable solar generation device" means the same as the term is defined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. The Department of Community Affairs shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a portable solar generation device addendum to, or amendments to revise, the electrical subcode or other appropriate model code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the purpose of establishing adequate and appropriate standards to provide guidance concerning wiring or modification of homes to accommodate the use of commercially available portable solar generation devices. The guidance shall include standards for the

use, in New Jersey, of portable solar generation devices designed for use in the United States, and standards for the modification or adaptation of home electrical systems for the use, in New Jersey, of portable solar generation devices that were designed for use in countries other than the United States.[1]]2]

[1][2. This] [2][3. Section 1 of this[1] act shall take effect six months after the date of enactment, except that the board may take any anticipatory action in advance of the effective date as is necessary for the implementation of this act. [1]Section 2 of this act shall take effect immediately.[1]]2].

[2]3. a. As used in this section, "portable solar generation device" means the same as the term is defined in section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. No landlord shall prohibit a tenant [3]who is responsible for payment of the electric service used within the tenant's leased premises[3] from utilizing a portable solar generation device or placing a portable solar generation device [3][on the exterior of] within[3] the tenant's leased premises[3], including any leased balcony or patio[3]. A landlord may establish reasonable restrictions concerning the physical dimension, placement, or manner of placement of a portable solar generation device [3][on the leased premises of the tenant's accessible exterior, including but not limited to the balcony, patio, and exterior wall surfaces]3]. A landlord may prohibit or restrict the placement of a portable solar generation device elsewhere on the landlord's premises, [3][so long as the prohibitions]3] and [3]may impose any[3] restrictions [3][do not cause] necessary to ensure that[3] the portable solar generation device [3][to be in violation of any] complies with all applicable[3] product listing [3][provision] provisions[3], any [3][provision] provisions[3] of the State Uniform Construction Code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or any National Electrical Code [3][provision] provisions pursuant to subsection e. of section 2 of P.L. , c. (C.) (pending before the Legislature as this bill)[3].

c. A tenant shall provide written notice to the landlord[3], homeowners' association, condominium association, cooperative housing corporation, other entity governing a planned real estate development, as defined in section 3 of P.L.1977, c.419 (C.45:22A-23), or condominium, as defined in section 3 of P.L.1969, c.257 (C.46:8B-3),[3] of the tenant's intent to use a portable solar generation device, which includes documentation that the device meets the requirements set forth in section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), and which identifies the proposed location of the portable solar

generation device, at least [3]⟦seven⟧ 14[3] days prior to placement or use. The landlord may respond to the tenant's notice with any reasonable restrictions concerning the physical dimensions, placement, or manner of placement of the device.

d. A tenant shall be responsible for any damages sustained to a premises leased by the tenant as a result of a portable solar generation device used or placed pursuant to this section. A landlord shall not be held liable for failing to maintain a habitable dwelling or provide an essential service based on a condition in the leased premises caused solely by a portable solar generation device use or placed on the premises pursuant to this section.

e. A homeowners' association, condominium association, cooperative housing corporation, other entity governing a planned real estate development, as defined in section 3 of P.L.1977, c.419 (C.45:22A-23), or condominium, as defined in section 3 of P.L.1969, c.257 (C.46:8B-3), shall not enforce any provision of a master deed, declaration, bylaw, rule, regulation, or other governing document that prohibits a unit owner or tenant from utilizing a portable solar generation device or placing a portable solar generation device on the exterior of the unit owner's or tenant's premises. A homeowners' association, condominium association, cooperative housing corporation, other entity governing a planned real estate development, or condominium may establish reasonable restrictions concerning the size, placement, or manner of placement of a portable solar generation device on the exterior of a unit owner's or tenant's premises. Any provision of a master deed, declaration, bylaw, rule, regulation, or other governing document inconsistent with this subsection shall be void and unenforceable.

f. A landlord, homeowners' association, condominium association, cooperative housing corporation, other entity governing a planned real estate development, or condominium may require a tenant, unit owner, or occupant to indemnify the landlord, homeowners' association, condominium association, cooperative housing corporation, other entity governing a planned real estate development, or condominium for claims, damages, losses, or liabilities arising from personal injury or property damage caused by the negligent installation, maintenance, or use of a portable solar generation device by the tenant, unit owner, occupant, or the tenant's, unit owner's, or occupant's contractor or agent.[2]

[2]4. a. As used in this section, "portable solar generation device" means the same as the term is defined in section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. Notwithstanding the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.), or any other law, rule, regulation, or municipal ordinance to the contrary, a municipality shall not prohibit the use of a portable solar generation device on a residential property.

c. No municipality shall require a permit, application, fee, license, or other approval for the placement or use of a portable solar generation device. The provisions of this subsection shall not be construed to exempt any building modification, electrical work, or other alteration from the applicable provisions of the National Electrical Code, the State Uniform Construction Code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or any municipal permit or inspection requirements.[2]

[2]5. This act shall take effect six months after the date of enactment, except that the board may take any anticipatory action in advance of the effective date as is necessary for the implementation of this act.[2]