

[First Reprint]

**ASSEMBLY, No. 4397**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JULY 16, 2020

**Sponsored by:**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

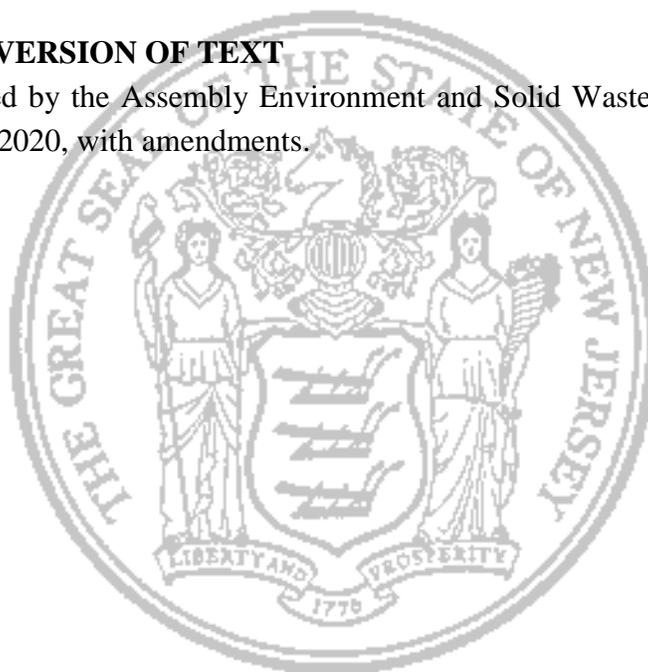
**Assemblyman McKeon**

**SYNOPSIS**

Allows installation of residential solar energy systems prior to obtaining construction permit or interconnection approval during COVID-19 emergency.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on December 7, 2020, with amendments.



**(Sponsorship Updated As Of: 3/1/2021)**

1 AN ACT concerning certain permitting and interconnection  
2 requirements for solar energy systems.

3

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

6

7 1. As used in this act:

8 "Commissioner" means the Commissioner of Community  
9 Affairs.

10 "Construction official" means a qualified person appointed by  
11 the municipal appointing authority or the commissioner pursuant to  
12 P.L.1975, c.217; (C.52:27D-119 et seq.) to enforce and administer  
13 the State Uniform Construction Code within the jurisdiction of the  
14 enforcing agency.

15 "Department" means the Department of Community Affairs.

16 "Electrical subcode official" means a qualified person appointed  
17 by the municipal appointing authority or the commissioner pursuant  
18 to P.L.1975, c.217; (C.52:27D-119 et seq.) to enforce and  
19 administer the provisions of the electrical subcode within the  
20 jurisdiction of the enforcing agency.

21 "Enforcing agency" means the enforcing agency in any  
22 municipality designated to administer and enforce the "State  
23 Uniform Construction Code Act" pursuant to section 8 of P.L.1975,  
24 c.217 (C.52:27D-126), and regulations promulgated thereunder.

25 "Residential solar energy system" means any system which uses  
26 solar energy to provide all or a portion of the heating, cooling, or  
27 general energy needs of a single-family home, including, but not  
28 limited to, nocturnal heat radiation, flat plate or focusing solar  
29 collectors, or photovoltaic solar cells.

30 "Subcode" means any of the national model codes, parts thereof,  
31 or other codes or standards as adopted by reference in rules and  
32 regulations adopted by the department pursuant to P.L.1975, c.217;  
33 (C.52:27D-119 et seq.).

34

35 2. Notwithstanding the provisions of P.L.1975, c.217;  
36 (C.52:27D-119 et seq.), any rule or regulation adopted pursuant  
37 thereto, or any local ordinance to the contrary, a person may  
38 construct or install a residential solar energy system prior to filing  
39 an application with a construction official or electrical subcode  
40 official, or obtaining the required permit therefor, provided that:

41 a. the person obtains the required permit for the construction of  
42 the residential solar energy system prior to the connection of the  
43 system to any device that stores or utilizes electrical power,  
44 including the interconnection of the system to the electric grid;

45 <sup>1</sup>**[and]**<sup>1</sup>

**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:**

**<sup>1</sup>Assembly AEN committee amendments adopted December 7, 2020.**

1       b. the construction project is carried out in accordance with all  
2 other applicable State laws and local ordinances <sup>1</sup>; and

3       c. the costs associated with any modification required by the  
4 construction official or electrical subcode official after installation  
5 in order to obtain the required permit shall be the responsibility of  
6 the installer of the residential solar energy system<sup>1</sup>.

7  
8       3. Notwithstanding any provisions of P.L.1999, c.23 (C.48:3-  
9 49 et seq.) or any rule or regulation adopted pursuant thereto to the  
10 contrary, a person may construct or install a residential solar energy  
11 system prior to applying, or receiving approval, for interconnection  
12 to the electric grid from an electric public utility, provided that the  
13 person receives approval from the utility prior to interconnecting  
14 the system to the electric grid.

15       <sup>1</sup>The costs associated with any modification required to receive  
16 approval from the utility for the interconnection of the system to the  
17 electric grid shall be the responsibility of the installer of the  
18 residential solar energy system.<sup>1</sup>

19  
20       4. This act shall take effect immediately and shall expire 90  
21 days after the expiration of the public health emergency related to  
22 COVID-19, which was declared by the Governor pursuant to the  
23 “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et  
24 seq.) in March 2020.