

[First Reprint]

ASSEMBLY, No. 5264

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 10, 2025

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

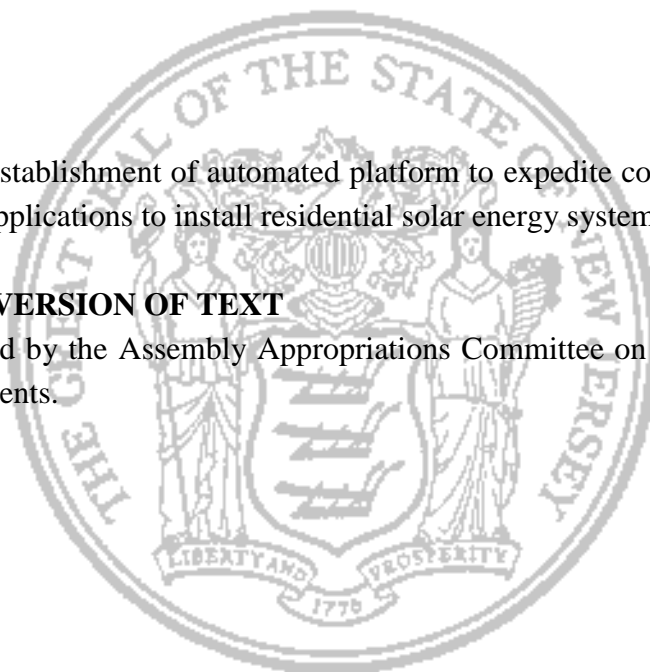
**Assemblywomen Park, Kane, Assemblymen Stanley, Sampson, Miller,
Assemblywomen Drulis, Lopez, Assemblyman Calabrese, Senators
Diegnan and Turner**

SYNOPSIS

Requires establishment of automated platform to expedite construction code approval of applications to install residential solar energy systems.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 15, 2025, with amendments.



(Sponsorship Updated As Of: 6/30/2025)

1 AN ACT concerning the review and approval of residential solar
2 energy systems and supplementing P.L.1975, c.217 (C.52:27D-
3 119 et seq.).

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

7
8 1. The Legislature finds and declares that:
9 a. New Jersey has adopted a goal of 100 percent clean energy by
10 2035.

11 b. Simplifying and enhancing the ability of New Jersey residents
12 to install and use solar energy systems and home batteries ¹**[are]** is¹
13 an essential component of the State's ability to attain this clean energy
14 goal.

15 c. Residential energy bills in New Jersey are among the highest in
16 the country, imposing significant financial burdens upon New Jersey
17 residents, and thereby exacerbating the State's housing affordability
18 crisis.

19 d. Installation and use of rooftop solar energy systems is one way
20 to enable New Jersey residents to significantly reduce residential
21 electricity bills and thereby make housing more affordable.

22 e. Vestiges of outdated, overly bureaucratic permitting
23 requirements for installation of solar energy systems within New
24 Jersey cause residents to significantly delay installation efforts and
25 significantly increase costs incurred in installing residential solar
26 energy storage systems across the ¹**[state]** State¹.

27 f. New Jersey has the fifth slowest known solar permitting
28 timelines of any state in the country.

29 g. The Solar Energy Industries Association has estimated that
30 permitting and other bureaucratic barriers within New Jersey typically
31 increase the cost of installing a residential solar energy system by
32 \$6,000 to \$7,000.

33 h. The installation costs for a residential solar energy system in the
34 United States ¹**[is]** are¹ approximately double the installation costs in
35 Europe, largely because Europe has virtually eliminated permitting
36 and other bureaucratic barriers.

37 i. Approximately one-in-five residential solar energy installation
38 projects are cancelled after submission of an application for a permit
39 which, according to solar energy system installers, is largely a direct
40 result of frustration experienced in attempting to maneuver through
41 New Jersey's permitting ¹**[process]** processes¹.

42 j. It has been reported that contractors who are in the business of
43 installing residential solar energy systems and home batteries within
44 New Jersey avoid entering into contracts to install systems within

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:

¹Assembly AAP committee amendments adopted May 15, 2025.

1 municipalities that impose especially burdensome permitting
2 requirements ¹and processes¹.

3 k. Hundreds of jurisdictions across the country, representing
4 approximately 25 percent of the national market, have removed
5 permitting barriers to the installation of residential solar energy
6 systems and home energy battery storage by automating the permitting
7 process.

8 l. Residential solar and home energy storage projects that receive
9 automated permits pass inspections at similar rates to residential solar
10 and home energy storage projects that receive traditional permits.

11 m. Automated permitting has the potential to reduce the costs of
12 ¹residential¹ solar ¹energy systems¹, reduce installation timelines, and
13 reduce cancellations, all of which will enable more families to install
14 solar on their roofs and batteries in their garages.

15

16 2. a. As used in this section:

17 "Department" means the Department of Community Affairs.

18 "Enforcing agency" means the municipal or county construction
19 official and subcode officials provided for in section 8 of P.L.1975,
20 c.217 (C.52:27D-126), or section 1 of P.L.2018, c.157 (C.52:27D-
21 126.8) regarding a pilot county in the "County Code Enforcement
22 Pilot Program," and assistants thereto.

23 "Form and format" means the arrangement, organization,
24 configuration, structure, or style of, or method of delivery for,
25 providing required information or providing the substantive
26 equivalent of required information. "Form and format" does not
27 mean altering the substance of information or the addition or
28 omission of information.

29 "State Smart Solar Permitting Platform" means an Internet-based
30 platform that, consistent with the "State Uniform Construction Code
31 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), automates plan
32 review, produces a code-compliant approval, and instantly releases
33 a permit or permit revision in response to the receipt of an
34 acceptable application to construct a residential solar energy
35 system.

36 b. (1) The Commissioner of Community Affairs shall establish,
37 develop, implement, and administer the State Smart Solar
38 Permitting Platform for the purpose of automatically performing
39 plan review of applications to construct a residential solar energy
40 system, and to instantly release a permit or permit revision to
41 construct a code-compliant residential solar energy system. The
42 commissioner shall fully implement the State Smart Solar
43 Permitting Platform so that the platform is available for use by the
44 department, enforcing agencies, and contractors prior to the first
45 day of the 12th month next following the date of enactment of
46 P.L. , c. (C.) (pending before the Legislature as this bill).

47 (2) ¹[An application to construct a residential solar energy
48 system submitted pursuant to this section shall include an

1 application to construct a residential solar energy storage system
2 and to also perform a main electric panel upgrade, a main breaker
3 derate, or both, as prescribed by the department.

4 (3) **1** The State Smart Solar Permitting Platform shall:

5 (a) perform robust code compliance checks using algorithms to
6 evaluate characteristics of the proposed residential solar energy
7 system **1**, as provided by a qualified contractor or subcontractor
8 with an electrical contractor's license, or the contractor's or
9 subcontractor's representative, **1** to determine whether the proposed
10 system aligns with the requirements of the State Uniform
11 Construction Code;

12 (b) produce construction documents to be used for the inspection
13 of a residential solar energy system and for recordkeeping purposes
14 consistent with the requirements of the State Uniform Construction
15 Code;

16 (c) instantly release permits and permit revisions to construct a
17 residential solar energy system consistent with the requirements of
18 the State Uniform Construction Code;

19 (d) be designed to process permit applications for, at a
20 minimum, approximately 75 percent of residential rooftop solar
21 energy systems that: weigh less than or are equal to four pounds per
22 square foot, provide electrical power to detached one- and two-
23 family dwellings, **1** and comply with State Uniform Construction
24 Code requirements for installation on an existing residential
25 structure;

26 (e) provide users with the ability to submit an application to
27 construct a residential solar energy system 24 hours a day, except
28 when the platform is down for an upgrade or maintenance;

29 (f) be provided to the department at no-cost or low-cost if a third
30 party provides, or third parties provide, the State Smart Solar
31 Permitting Platform to the department; **1** **and** **1**

32 (g) allow the use of electronic signatures on all applications and
33 submitted materials necessary for issuance of a permit **1**;

34 (h) provide customer service to assist users navigating the
35 platform; and

36 (i) be able to process permit applications for residential solar
37 energy systems and associated equipment including, but not
38 necessarily limited to, photovoltaic panels, energy storage systems,
39 main electrical panel upgrades, and main breaker derates **1**.

40 c. (1) The commissioner's implementation of the State Smart
41 Solar Permitting Platform shall provide access to the platform, and
42 facilitate use of the platform, by the department, local enforcing
43 agencies, private agencies that provide plan review and inspection
44 services, and contractors engaged in the installation of residential
45 solar energy systems.

46 (2) (a) Within one year following the effective date of
47 P.L. , c. (C.) (pending before the Legislature as this bill),

1 the commissioner shall implement the State Smart Solar Permitting
2 Platform and provide for its use by the department, enforcing
3 agencies, and contractors.

4 (b) A local enforcing agency shall either allow for the
5 submission of applications to construct a residential solar energy
6 system through the State Smart Solar Permitting Platform or
7 through an alternative automated solar permitting platform that
8 satisfies the requirements set forth in subsection ¹[a.] b.¹ of this
9 section in an equivalent manner as the State Smart Solar Permitting
10 Platform implemented by the department. A local enforcing agency
11 that implements an alternative automated solar permitting platform
12 shall enable access to the alternative platform prior to the first day
13 of the 18th month next following the effective date of
14 P.L. , c. (C.) (pending before the Legislature as this bill).
15 A local enforcing agency that implements an alternative automated
16 solar permitting platform shall not require an applicant to submit
17 documentation that is not required through the State Smart Solar
18 Permitting Platform.

19 ¹(c) A local enforcing agency that allows for the submission of
20 residential solar energy system applications through the State Smart
21 Solar Permitting Platform shall, within two years following the
22 effective date of P.L. , c. (C.) (pending before the
23 Legislature as this bill), revise its permitting fee schedule to reflect
24 the reduction in resources expended to permit residential solar
25 energy systems. The local enforcing agency shall maintain this
26 revision in future fee schedules.¹

27 d. (1) A local enforcing agency that does not allow for the
28 submission of applications to construct a residential solar energy
29 system through the State Smart Solar Permitting Platform shall
30 submit a compliance report to the department within 60 days of the
31 local enforcing agency's implementation of an alternative
32 automated solar permitting platform. The department may establish
33 guidelines for submission of a local compliance report. A local
34 compliance report shall include, but may not be limited to:

35 (a) the date of compliance;

36 (b) the software used for compliance;

37 (c) documentation demonstrating that the alternative automated
38 solar permitting platform implemented by the local enforcing
39 agency satisfies the requirements set forth in subsection ¹[a.] b.¹ of
40 this section in an equivalent manner as the platform implemented by
41 the department.

42 (2) If the department determines that documentation submitted
43 with a local compliance report pursuant to subparagraph (c) of
44 paragraph (1) of this subsection is insufficient to verify that the
45 platform satisfies the requirements set forth in subsection ¹[a.] b.¹
46 of this section in an equivalent manner as the platform implemented
47 by the department, the local enforcing agency shall provide the
48 department, at the department's request, access to the platform.

- 1 (3) The department shall provide public access to local
2 compliance reports on the department's Internet website.
- 3 e. (1) A local enforcing agency that implements an alternative
4 automated solar permitting platform pursuant to this section shall,
5 commencing with April 1, 2027, submit an annual report to the
6 department. The department may establish guidelines for annual
7 reports required under this paragraph. An annual report shall
8 include, but shall not be limited to:
- 9 (a) the number of permits released by the enforcing agency for
10 residential solar energy systems through the alternative automated
11 solar permitting platform and relevant characteristics of those
12 systems;
- 13 (b) the number of permits released by the enforcing agency for
14 residential solar energy systems through means other than the
15 alternative automated solar permitting platform and relevant
16 characteristics of those systems;
- 17 (c) documentation demonstrating that the alternative automated
18 solar permitting platform satisfies the requirements set forth in
19 subsection ¹~~["a.]"~~ b.¹ of this section in an equivalent manner as the
20 platform implemented by the department.
- 21 (2) If the department determines that documentation submitted
22 pursuant to subparagraph (c) of paragraph (1) of this subsection is
23 insufficient to verify that the alternative automated solar permitting
24 platform meets the requirements set forth in subsection ¹~~["a.]"~~ b.¹
25 of this section in an equivalent manner as the platform implemented by
26 the department, the local enforcing agency shall provide the
27 department, at the department's request, access to the platform.
- 28 (3) The department shall provide public access to annual reports
29 on the department's Internet website.
- 30 f. ¹~~["(1)"]~~¹ If the department determines that a local enforcing
31 agency has failed to allow for the submission of applications to
32 construct a residential solar energy system through either the State
33 Smart Solar Permitting Platform or through an alternative
34 automated solar permitting platform as required pursuant to this
35 section ¹~~or is otherwise not in compliance with this section~~¹, the
36 department ¹~~["shall impose a penalty upon, and collect penalty~~
37 ~~amounts from, the local enforcing agency. The department shall~~
38 ~~adopt a penalty schedule to set the penalty amounts and shall~~
39 ~~allocate all monies collected from penalties to the Low Income~~
40 ~~Home Energy Assistance Program as administered in the State and~~
41 ~~established pursuant to 42 U.S.C. s.8621 et seq.~~
- 42 (2) The department¹ may, in its sole discretion, condition or
43 deny direct funding to a local unit from any program it administers
44 ¹~~["if the department determines that the local unit's enforcing~~
45 ~~agency is not in compliance with this section"]~~¹.

- 1 g. The commissioner shall provide training opportunities on the
2 use of the State Smart Solar Permitting Platform for employees of
3 local enforcing agencies.
- 4 h. The commissioner shall, in accordance with the
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
6 seq.), adopt rules and regulations to govern the form and format of
7 applications for permits, approval documents, specifications and
8 other information exchanged through the State Smart Solar
9 Permitting Platform.
- 10 i. The department ¹【may waive State Uniform Construction
11 Code requirements in order to release a permit for a residential solar
12 energy system through the State Smart Solar Permitting Platform】
13 shall waive requirements related to signatures, stamps, seals,
14 certifications, or notarization imposed by statute, ordinance or rules
15 of the department, or another department or agency, in order for the
16 State Smart Solar Permitting Platform to accept the permit
17 application and release the permit¹.
- 18 j. The commissioner may adopt, amend, and repeal rules and
19 regulations providing for the charging of, and setting the amount of,
20 solar permit surcharge fees to be collected by an enforcing agency
21 or private agency. A local enforcing agency shall remit to the
22 department all monies collected by the agency through solar permit
23 surcharge fees to defray the cost of developing and administering
24 the State Smart Solar Permitting Platform.
- 25 k. A person exchanging information through either the State
26 Smart Solar Permitting Platform or through an alternative
27 automated solar permitting platform in a form and format
28 acceptable to the department shall not be subject to a licensing
29 sanction, civil penalty, fine, permit disapproval, revocation, or other
30 sanction for failure to comply with a form or format requirement
31 imposed by statute, ordinance, or rule that requires submission of
32 the information in physical form, including but not limited to any
33 requirement that the information be in a particular form or of a
34 particular size, be submitted with multiple copies, be physically
35 attached to another document, be an original document, or be
36 signed, stamped, sealed, certified, or notarized.
- 37 l. Neither a public entity nor a public employee shall be held
38 liable under N.J.S.59:2-5 or other applicable provision of law for
39 injury caused by release of a permit through the State Smart Solar
40 Permitting Platform.
- 41
- 42 3. This act shall take effect immediately.