

Written Testimony for Senate Bill 1054 – Local Government – Building Permits for Residential Solar Energy and Residential Energy Storage Systems – Required Platform and Inspections

Submitted by Jennifer Keener, AICP, Director, Worcester County Department of Development, Review and Permitting.

Thank you, Chair Feldman and members of the committee, for allowing me the opportunity to comment on Senate Bill 1054. My name is Jennifer Keener, and I am the director for the Department of Development, Review and Permitting in Worcester County. While I am always appreciative of suggestions to improve our permitting and inspection processes, as well as the offer of free services, I have several concerns with the bill language as drafted.

SolarAPP+ must include reasonable limitations for use beyond only those listed on the standard eligibility sheet. Properties in the floodplain must be evaluated for substantial improvement compliance under FEMA regulations, requiring a human plan review. During our demonstration of SolarAPP+, the software developers acknowledged that this platform will not cover every type of solar permit. In fact, a review of Worcester County's 2023 permits showed only 6 out of the 21 applications would have qualified under the base eligibility requirements and were outside of the floodplain. In addition, SolarAPP+ has no way of knowing whether the existing structure is properly permitted; the solar installation company is not likely to know either without consulting our staff. If a local jurisdiction finds that there is noncompliance after the software issues the permit, we must have the ability to put that permit on hold pending resolution. I also want to be sure that if implemented in our jurisdiction, we then wouldn't be penalized if a contractor chose to submit a standard permit application through our office rather than apply through the software where they are charged an additional \$25 fee.

My main concerns focus on the specified inspection components of this bill. Worcester County prioritizes building inspections, which are scheduled for in-person on the next available business day. Electrical inspections in our jurisdiction are conducted by one of several third-party agencies as selected by the electrical contractor. The 2022 SolarAPP+ Performance Review report¹ by the National Renewable Energy Laboratory (NREL) suggests that the use of the platform "may" improve inspection pass rates, but that there is yet not enough concrete evidence, so it is a "working hypothesis". In tracking the inspection processes, it cited reasons for inspection failures as related to a work quality issue (system not installed per code), install not matching SolarAPP+ plan specifications, or the checklist not being on site. In my opinion, statutorily limiting a jurisdiction to only one inspection per component and conducting that inspection by remote video or photograph is inappropriate if a contractor is unable to perform the work accurately and according to specifications or is an overall bad actor that falsifies the documentation. Provided our inspectors (or third-party inspectors) were even able to see the work in place by one of these remote methods, should an inspection fail, we would not be able to reinspect. What happens if it is the electrical inspection that doesn't pass? That could present significant life safety issues.

The bill language is unclear in subsection (d)(4) which deems a permit approved if a jurisdiction does not conduct an inspection within 10 business days of receipt of the application. If a permit is automatically approved and issued by SolarAPP+, then there is no pre-permit inspection. Is this intended to refer to the final building and electrical inspection approvals? Many of the reasons for extending an inspection timeframe beyond 10 days are for items that are not under a local jurisdiction's control, such as delays for installation or request of an inspection by a contractor. In addition, our local permits are valid for up to one year from the date of issuance. Given this 10-day shot clock, would we then be mandated to issue an approval for work we haven't seen?

With both building and electrical inspectors are responsible for certifying that the work in place is consistent with the plans provided and is code compliant, and allowing only one inspection by type and by remote video or photograph could lead to important items being missed and could put a homeowner and their property at risk. As someone responsible for the health, safety and welfare of the citizens I work for, I respectfully request your serious reconsideration of the inspection components of this bill based on this information.

¹ SolarAPP+ Performance Review (2022 Data) - <https://www.nrel.gov/docs/fy23osti/85827.pdf>