



House Bill 1265

Local Government – Building Permits for Residential Solar Energy and Residential Energy Storage Systems – Required Platform and Inspections

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment & Transportation Committee

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The Maryland Association of Counties (MACo) **SUPPORTS** HB 1265 **WITH AMENDMENTS**. This bill mandates counties to adopt one specific tool, Solar APP+, for processing permit applications for installing solar on existing residential rooftops. MACo urges some flexibility with this requirement, consistent with the goals of the bill, if the Committee is inclined to advance this directive.

One of the core responsibilities of counties is to ensure the health and safety of Maryland residents. Counties carry out this responsibility in many ways, one of which is the enforcement of building codes and other such regulations. Residential rooftop solar carries with it two primary possible risks, the first is the stability of the rooftop itself to support solar and the second is the safety of the electrical work. Counties understand the intent of HB 1265 is to streamline the process for approving residential rooftop solar projects. To this end, counties already largely offer multiple avenues for expediting these approvals.

Counties offer the following amendments to conform the implementation of this bill with its intent and to prevent unnecessary or unintended obstacles to the deployment of rooftop solar projects.

Amendment #1: Refine scenarios when counties would be required to adopt Solar APP+.

The goal of HB 1265 is to ensure that rooftop solar applications are processed in an expedited manner. To this end, counties have identified four scenarios where the adoption of Solar APP+ would slow down this process instead of quickening it. These scenarios include: a) when a county has already invested in a permitting software to expedite permit processing, b) when a county has no requirement for permitting for rooftop solar, c) in the event that the State lacks sufficient technical or financial resources to assist counties in the conversion and operation of Solar APP+, d) or in the event Solar APP+ is no longer adequately updated or maintained.

Amendment Language:

On page 2, after line 26, insert,

“(D) COUNTIES AND MUNICIPALITIES SHALL NOT BE REQUIRED TO ADOPT SOLAR APP+ IF:
(1) THE COUNTY OR MUNICIPALITY USES SOFTWARE THAT PROVIDES SIMILAR FUNCTIONALITY AS OUTLINED IN (C);
(2) THE COUNTY OR MUNICIPALITY DOES NOT REQUIRE A PERMIT FOR RESIDENTIAL SOLAR ENERGY SYSTEMS OR RESIDENTIAL SOLAR ENERGY SYSTEMS PAIRED WITH A RESIDENTIAL ENERGY STORAGE SYSTEM;
(3) THE ADMINISTRATION LACKS SUFFICIENT FUNDING TO PROVIDE FINANCIAL OR TECHNICAL SUPPORT TO ASSIST COUNTIES AND MUNICIPALITIES IN THE ADOPTION OF SOLAR APP+; OR
(4) SOLAR APP+ IS NO LONGER UPDATED OR MAINTAINED.”

Amendment #2: Preserve flexibility to ensure public safety.

Lines 7-11 on page 3 both restrict a county’s ability to require additional inspections should a project fail its first inspection, and automatically deems a project approved 10 days after the submittal of a permit application. Both provisions potentially place public safety at risk. If any project fails an inspection in almost any environment, a follow up inspection is standard practice. Additionally, there may be a variety of scenarios where a permit may not be issued within 10 days; many of those scenarios are outside the control of counties. For context, the vast majority of these permit applications are approved in an average of 5 business days or less. In order to not interfere with public safety, counties respectfully request this language be removed.

Amendment language:

On page 3, STRIKE lines 7-11.

Amendment #3: Only require the adoption of Solar APP+ so long as funding remains for the transition and implementation.

Finally, amendment number 3 places guardrails around the adoption of Solar APP+. The major selling point highlighted by the sponsors and advocates is that there are existing state and federal resources to help counties in the transition to the use of Solar APP+. Counties simply request that it is made clear that if the Administration at some point in the future lacks the sufficient resources to assist a jurisdiction in adopting this app, that they suspend any mandated requirements under this bill.

Amendment language:

On page 3, in lines 20 – 21, strike “MAY” and insert “SHALL.”

Counties remain committed stakeholders in reaching Maryland’s renewable energy goals. With these practical amendments, HB 1265 will mark another positive step toward that end. For this reason, MACo urges the Committee to issue HB 1265 a **FAVORABLE WITH AMENDMENTS** report.