

112TH CONGRESS
1ST SESSION

H. R. 3664

To provide local communities with tools to make solar permitting more efficient, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2011

Mr. BILBRAY (for himself and Mr. COHEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide local communities with tools to make solar permitting more efficient, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Solar Energy Regu-
5 latory Relief Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) BEST PRACTICES FOR SOLAR PERMIT-
2 TING.—The term “best practices for solar permit-
3 ting” means 1 or more practices—

4 (A) defined by the Secretary by regulation

5 as—

6 (i) promoting standardization and
7 uniformity for local permitting require-
8 ments for solar energy across jurisdictions;
9 and

10 (ii)(I) lowering the solar energy sys-
11 tem installation costs associated with local
12 permitting; or

13 (II) expediting the local permitting
14 process for solar energy; and

15 (B) identified by the Secretary through
16 consultation with—

17 (i) local governments, including each
18 local government that participates in the
19 Rooftop Solar Challenge or other appro-
20 priate solar energy program of the Depart-
21 ment of Energy; and

22 (ii) members of the solar energy in-
23 dustry.

24 (2) CHALLENGE GRANT.—The term “challenge
25 grant” means a grant awarded under a competitive

1 program to 1 or more applicants that achieve imple-
2 mentation of best practices for solar permitting.

3 (3) COMMITMENT TO ADOPT BEST PRACTICES
4 FOR SOLAR PERMITTING.—The term “commitment
5 to adopt best practices for solar permitting” means
6 an agreement or memorandum of understanding be-
7 tween the head of a local government and the Sec-
8 retary that contains—

9 (A) an outline of steps that the local gov-
10 ernment commits to take to adopt best prac-
11 tices for solar permitting; and

12 (B) a timeline for implementation of the
13 steps described in subparagraph (A).

14 (4) INSTALLED NAMEPLATE CAPACITY.—The
15 term “installed nameplate capacity” means the max-
16 imum output of a solar electric system under specific
17 conditions designated by the manufacturer of the
18 solar electric system.

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of Energy.

21 (6) SOLAR ENERGY SYSTEM.—The term “solar
22 energy system” means rooftop or ground-mounted
23 solar equipment—

24 (A) that is used to generate electricity or
25 heat water in the United States; and

1 (B) with an installed nameplate capacity
2 not exceeding 1 megawatt or the thermal equiv-
3 alent of 1 megawatt.

4 **SEC. 3. TOOLS FOR EFFICIENT INSTALLATION OF SOLAR**
5 **ENERGY SYSTEMS.**

6 (a) IN GENERAL.—As soon as practicable after the
7 date of enactment of this Act, the Secretary shall establish
8 a program under which the Secretary shall provide com-
9 petitive grants or challenge grants, or both, to local gov-
10 ernments or consortia of local governments that have
11 adopted or offer a commitment to adopt best practices for
12 solar permitting for properties located in the United
13 States.

14 (b) IMPLEMENTATION.—

15 (1) SOLAR CERTIFICATIONS.—The Secretary
16 shall provide voluntary certification and recognition
17 for local governments (including local governments
18 that receive grants under paragraph (2)) that indi-
19 cate that the local government has adopted best
20 practices for solar permitting.

21 (2) COMPETITIVE GRANTS AND CHALLENGE
22 GRANTS.—

23 (A) IN GENERAL.—For each fiscal year,
24 the Secretary shall award competitive grants or
25 challenge grants, or both, to local governments

1 and consortia of local governments to be used
2 in accordance with this section.

3 (B) REQUIREMENTS.—The Secretary shall
4 adopt and implement criteria for awarding com-
5 petitive grants or challenge grants, or both,
6 under subparagraph (A) to local governments
7 and consortia of local governments—

8 (i) to promote greater standardiza-
9 tion, efficiency, and uniformity for solar
10 energy permitting across jurisdictions; and

11 (ii) that would—

12 (I) require that grant awards are
13 provided only to local governments or
14 consortia of local governments that
15 have—

16 (aa) adopted or offer a com-
17 mitment to adopt best practices
18 for solar permitting; and

19 (bb) provided quantitative
20 metrics to measure success;

21 (II) ensure that grants are
22 awarded to a diversity of geographic
23 locations and recipients with different
24 population sizes; and

1 (III) provide a preference for
2 grant applicants that have partnered
3 with States, public utility commis-
4 sions, or other stakeholders to adopt
5 or enhance standards and policies to
6 overcome other barriers to distributed
7 generation (including interconnection
8 and net metering).

9 (3) AUTHORIZED USE OF FUNDS FOR COMPETI-
10 TIVE GRANTS.—Subject to subsection (c), competi-
11 tive grants provided under this section may be used
12 for—

13 (A) training for making, to the maximum
14 extent practicable, the local permitting process
15 for solar energy systems more standardized, ef-
16 ficient, and less expensive;

17 (B) the development of materials, Internet-
18 based tools and application processes, and other
19 tools or information to make, to the maximum
20 extent practicable, the local permitting process
21 for solar energy systems more standardized, ef-
22 ficient, and less expensive;

23 (C) solar energy system deployment
24 projects or programs to pilot new permitting
25 strategies or processes; and

1 (D) other programs or projects to achieve
2 the objectives described in subparagraphs (A)
3 through (C), as determined by the Secretary.

4 (4) AUTHORIZED USE OF FUNDS FOR CHAL-
5 LENGE GRANTS.—Subject to subsection (c), chal-
6 lenge grants provided under this section may be
7 used for—

8 (A) solar energy system deployment
9 projects; and

10 (B) programs to pilot new permitting
11 strategies or processes.

12 (c) RESCISSION FOR NONCOMPLIANCE.—The Sec-
13 retary shall rescind any amount of grant funds that the
14 Secretary considers to be appropriate that is provided to
15 any grant recipient that—

16 (1) receives funds based on a commitment to
17 adopt best practices for solar permitting; but

18 (2) is unable to implement the steps necessary
19 to adopt the best practices for solar permitting.

20 (d) NON-FEDERAL SHARE.—The Secretary shall re-
21 quire that each entity that receives grant funds under this
22 section shall be responsible for a matching amount (in-
23 cluding in-kind services)—

24 (1) established by the Secretary for each fiscal
25 year for which funds are authorized; and

1 (2) not to exceed 50 percent of the amount of
2 the provided funds.

3 (e) ADMINISTRATIVE EXPENSES.—

4 (1) IN GENERAL.—Not more than 5 percent of
5 the amounts made available for each fiscal year
6 under this section may be used to pay the adminis-
7 trative expenses of the Department of Energy that
8 the Secretary determines to be necessary to carry
9 out this Act (including expenses arising from moni-
10 toring and evaluation).

11 (2) GRANT RECIPIENTS.—Grant recipients may
12 use not more than 5 percent of the amounts made
13 available for each fiscal year under this section to
14 pay for administrative expenses.

15 (f) COORDINATION; CONSULTATION.—To the max-
16 imum extent practicable, the Secretary shall consult with
17 the Secretary of the Treasury and the Chief Executive of
18 each grant recipient that receives funds under this section
19 to ensure that each program or project carried out by each
20 grant recipient through the use of the funds is coordinated
21 with each other applicable incentive or financing program
22 of the Federal Government or any other applicable pro-
23 gram.

1 (g) GOALS.—The goals of the United States, through
2 this Act and any additional or existing incentive or re-
3 search and development program, are—

4 (1) to reduce local regulatory burdens and ease
5 private investment in small solar technologies; and

6 (2) to achieve cost reductions in the price of
7 solar energy by December 31, 2020, consistent with
8 the SunShot Roof Top Solar Challenge at the De-
9 partment of Energy.

10 (h) REPORTS.—

11 (1) REPORT REGARDING ADDITIONAL REC-
12 OMMENDATIONS.—Not later than 270 days after the
13 date of enactment of this Act, the Secretary shall
14 submit to the Committee on Energy and Natural
15 Resources of the Senate and the Committee on En-
16 ergy and Commerce of the House of Representatives
17 a report that contains additional recommendations
18 that the Secretary determines to be necessary to
19 achieve each goal described in subsection (g).

20 (2) REPORT REGARDING PROGRESS OF GRANT
21 RECIPIENTS.—Not later than 2 years after the date
22 on which funds are first made available under this
23 section, the Secretary shall submit to the appro-
24 priate committees of Congress a report that contains
25 a description of the progress of grant recipients

1 under this section in implementing and maintaining
2 best practices for solar permitting.

3 (i) FUNDING.—

4 (1) IN GENERAL.—Of the amounts authorized
5 to be appropriated under section 641(p)(3) of the
6 Energy Independence and Security Act of 2007 (42
7 U.S.C. 17231(p)(3)), the Secretary may use to carry
8 out this section \$50,000,000 for each of fiscal years
9 2012 through 2016.

10 (2) TERMINATION.—Paragraph (1) shall termi-
11 nate on October 1, 2016.

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