

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"State's step toward clean energy: Corzine signs bills," The Star Ledger, 4-1-09, p. 52.

LAW

[Fourth Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1558

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED JUNE 12, 2008

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Evans, Assemblymen Gusciora, Vas, Assemblywoman Love, Assemblymen Moriarty, Chivukula, Cryan, Senator B.Smith, Assemblywoman Pou, Assemblyman Diegnan, Assemblywoman Stender, Assemblymen McKeon, Schaer and Conners

SYNOPSIS

Requires developers to offer solar energy systems in certain new home construction.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 16, 2009.

(Sponsorship Updated As Of: 3/17/2009)

1 AN ACT concerning solar energy systems and supplementing
2 ²**[Title]** Titles 48 and² 52 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Residential
8 Development Solar Energy Systems Act.”

9

10 2. The Legislature finds and declares that:

11 a. New Jersey residents primarily rely on fossil fuels for their
12 energy needs;

13 b. Fossil fuels are nonrenewable fuels since they are derived
14 from finite resources that will inevitably dwindle over time,
15 becoming too expensive or too environmentally damaging to
16 extract;

17 c. Unlike fossil fuels, renewable energy sources have minimal
18 environmental impact since, for example, energy produced from
19 photovoltaic cells does not result in air or water pollution, deplete
20 natural resources, or endanger animal and human health;

21 d. The use of renewable energy equipment also reduces the
22 nation's dependency on foreign sources of energy, which is an
23 important strategy in the process of creating a secure and
24 sustainable energy future;

25 e. The use of renewable energy technology would benefit New
26 Jersey's economy since jobs evolve directly from the manufacture,
27 design, installation, service and repair, and marketing of renewable
28 energy products;

29 f. The State has adopted a renewable energy portfolio standard
30 that requires twenty percent of the State's electricity demand to be
31 produced from renewable sources by the year 2020, and requires a
32 specific percentage of these renewable energy sources to be from
33 solar photovoltaic systems;

34 g. Generating electricity from solar energy reduces
35 consumption of fossil fuels, which decreases pollution and
36 greenhouse gas emissions; and

37 h. The installation of even small scale solar energy systems
38 will combat global warming and reduce the nation's dependence on
39 foreign energy sources, resulting in a significant environmental
40 benefit.

41

42 3. As used in this act:

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:

¹ Assembly floor amendments adopted September 25, 2008.

² Senate SEG committee amendments adopted November 13, 2008.

³ Senate floor amendments adopted November 24, 2008.

⁴ Assembly floor amendments adopted March 16, 2009.

1 “Advertising” means the same as the term is defined in section 3
2 of P.L.1977, c.419 (C.45:22A-23).

3 “Commissioner” means the Commissioner of Community
4 Affairs.

5 “Developer” means any person who constructs or offers to
6 construct a dwelling unit as part of a residential development.

7 “Dwelling unit” means a single-family residence constructed as
8 part of a development, the roof of which is exclusive to that
9 residence and not a common element or common area.

10 “Owner” means any person who acquires a legal or equitable
11 interest in a dwelling unit.

12 “Prospective owner” means any person who contemplates
13 acquiring a legal or equitable interest in a dwelling unit.

14 “Residential development” means development undertaken for
15 the purpose of creating ¹[50] 25¹ or more dwelling units for owner
16 occupancy.

17 “Solar energy system” means any system which uses solar
18 energy to provide all or a portion of the heating, cooling, or general
19 energy needs of a dwelling unit ²[through such means as] ,
20 including, but not limited to,² nocturnal heat radiation, flat plate or
21 focusing solar collectors, or photovoltaic solar cells.

22

23 4. a. ²[A] Where technically feasible, as determined by the
24 commissioner in consultation with the Board of Public Utilities, a²
25 developer shall offer to install, or to provide for the installation of,
26 a solar energy system into a dwelling unit when a prospective
27 owner enters into negotiations with the developer to purchase a
28 dwelling unit.

29 b. A developer shall disclose in any advertising, in a manner
30 and form determined by the commissioner pursuant to the
31 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
32 seq.):

33 (1) that a prospective owner may have a solar energy system
34 installed in any dwelling unit;

35 (2) the total cost of installing a solar energy system into a
36 dwelling unit that will be charged to the owner by the developer;
37 ²[and]²

38 (3) ²[an estimate of the] general information on the
39 environmental benefits of, and² potential energy cost savings
40 associated with² [the],² solar energy² [system option, provided that
41 the calculation of the estimated savings has been approved by the
42 commissioner in consultation with the Board of Public Utilities]
43 systems; and

44 (4) information concerning any applicable credits, rebates, or
45 other incentives that may be available for the installation of solar
46 energy systems, as provided to the developer by the commissioner

1 and the Board of Public Utilities pursuant to subsection b. of section
2 7 of this act².

3
4 5. ²[A developer shall install, or provide for the installation of,
5 a solar energy system into a dwelling unit if] ²If² the prospective
6 owner accepts, pursuant to a written contract, the developer's offer
7 to install, or to provide for the installation of, a solar energy system
8 into the dwelling unit ⁴[and becomes the owner of that dwelling
9 unit]⁴ ², then the developer shall install, or provide for the
10 installation of, a solar energy system into the dwelling unit ⁴[upon]
11 prior to⁴ the completion of the construction of that unit².

12
13 6. If the dwelling unit is located within a residential
14 development for which homeowner association or other owner or
15 membership association will be responsible for the maintenance,
16 repair or replacement of the roof of the dwelling unit or other area
17 upon which a solar energy system is installed, and the association
18 incurs any additional cost or expense resulting from the installation
19 of a solar energy system, such as the additional cost to remove and
20 reinstall the system in the course of maintenance, repair or
21 replacement, then the association shall have the right to:

22 a. impose and collect the additional cost or expense from the
23 owner of the dwelling unit, which shall be collectible in the same
24 manner as any other common expense or fee of the development;

25 b. access the dwelling unit as may be reasonably required to
26 perform such maintenance, repair or replacement; and

27 c. record a declaration or similar instrument, in the same
28 manner as a deed, with the county clerk for the purpose of advising
29 current and prospective owners of the dwelling unit that they may
30 be responsible for the additional costs and expenses described in
31 this section.

32
33 7. a. The commissioner, in consultation with the Board of
34 Public Utilities, shall adopt, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), standards
36 with respect to the technical sufficiency of solar energy systems to
37 be installed pursuant to this act. These standards, at a minimum,
38 shall provide:

39 (1) ²that² the solar energy system is ²to be² installed in
40 conformance with the manufacturer's specifications and in
41 compliance with all applicable electrical and building code
42 standards;

43 (2) ²that² the solar energy system is intended primarily to offset
44 part or all of the consumer's own electricity demand;

1 (3) ²that² all components in the solar energy system are ²to be²
2 new and unused, and ²[have] shall² not ²have² previously been
3 placed in service in any other location or for any other application;

4 (4) ²that² the solar energy system ²[has] shall have² a warranty
5 of not less than 10 years ²provided by the solar energy system
6 manufacturer, and shall be subject to coverage afforded under "The
7 New Home Warranty and Builders' Registration Act," P.L.1977,
8 c.467 (C.46:3B-1 et seq.) to protect the integrity of the roof of the
9 home and² to protect against defects and undue degradation of
10 electrical generation output;

11 (5) ²that² the solar energy system ²[has] shall have² meters or
12 other devices in place to monitor and measure the system's
13 performance and the quantity of electricity generated by the system;

14 (6) ²[appropriate energy efficiency improvements in] that the
15 solar energy system shall comply with adopted energy codes for²
16 the dwelling unit where the solar energy system is installed;

17 (7) ²for² rating criteria for equipment, components, and systems
18 to assure reasonable performance and criteria for complying with
19 these minimum ratings; ²[and]²

20 (8) ²[consistency] that the solar energy system shall be
21 consistent² with the net metering standards and safety and power
22 quality interconnection standards adopted by the Board of Public
23 Utilities pursuant to subsection e. of section 38 of P.L.1999, c.23
24 (C.48:3-87) ²; and

25 (9) for the criteria by which the technical feasibility of the
26 installation of a solar energy system is determined in section 4 of
27 this act².

28 b. The commissioner, in consultation with the Board of Public
29 Utilities, shall:

30 (1) publish educational materials designed to demonstrate how
31 developers may incorporate solar energy systems during
32 construction as well as energy efficiency measures that best
33 complement solar energy systems; and

34 (2) provide developers with information concerning any
35 applicable credits, rebates, or other incentives that may be available
36 for the installation of solar energy systems.

37
38 8. The commissioner shall enforce the provisions of this act
39 ²and may assess violators of this act² in accordance with the
40 ²[authority granted] penalties provided for² under section 18 of
41 P.L.1977, c.419 (C.45:22A-38).

42
43 ²9. The Board of Public Utilities shall adopt orders, rules, or
44 regulations that provide for solar energy systems installed in
45 accordance with the provisions of P.L. , c. (C.)(pending
46 before the Legislature as this bill) to be eligible for all applicable

1 credits, rebates, or other incentives that may be available for the
2 installation of solar energy systems.²

3

4 ²**[9.]** 10.² This act shall take effect immediately and shall apply
5 to any dwelling unit for which a construction permit is issued on or
6 after the 90th day following the ³**[date of enactment]** issuance of
7 the standards adopted pursuant to section 7³ of this act.

1 c. record a declaration or similar instrument, in the same manner
2 as a deed, with the county clerk for the purpose of advising current
3 and prospective owners of the dwelling unit that they may be
4 responsible for the additional costs and expenses described in this
5 section.

6
7 7. The commissioner, in consultation with the Board of Public
8 Utilities, shall adopt, pursuant to the "Administrative Procedure
9 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), standards with respect
10 to the technical sufficiency of solar energy systems to be installed
11 pursuant to this act.

12
13 8. The commissioner shall enforce the provisions of this act in
14 accordance with the authority granted under section 18 of P.L.1977,
15 c.419 (C.45:22A-38).

16
17 9. This act shall take effect immediately and shall only apply to
18 a development for which the application for development has been
19 approved, pursuant to section 6 of P.L.1975, c.291 (C.40:55D-10),
20 on or after January 1, 2009.

21
22
23 SPONSOR'S STATEMENT
24

25 This bill would require a developer of single family homes, when
26 building a development of 100 or more units, to offer to install solar
27 energy systems in all of the development's residences. In order to
28 inform prospective buyers of this option, the developer would be
29 required to disclose in any advertising for the development that a
30 prospective owner may request to have a solar energy system
31 installed and the cost of installing such a system. If a prospective
32 owner requests to have a solar energy system installed, the
33 developer would be required to install a solar energy system in that
34 owner's dwelling unit.

35 The bill provides that the Commissioner of Community Affairs,
36 in consultation with the Board of Public Utilities, would be required
37 to adopt standards with respect to the technical sufficiency of the
38 solar energy systems to be installed.

1 agency pursuant to section 6 of P.L.1977, c.419 (C.45:22A-26) and
2 which consists of, or will consist of, at least 100 dwelling units.

3 "Dwelling unit" means a single-family residence constructed as
4 part of a development, the roof of which is exclusive to that
5 residence and not a common element or common area.

6 "Owner" means any person who acquires a legal or equitable
7 interest in a dwelling unit.

8 "Prospective owner" means any person who contemplates
9 acquiring a legal or equitable interest in a dwelling unit.

10 "Solar energy system" means any system which uses solar
11 energy to provide all or a portion of the heating, cooling, or general
12 energy needs of a dwelling unit through such means as nocturnal
13 heat radiation, flat plate or focusing solar collectors, or photovoltaic
14 solar cells.

15

16 4. a. A developer shall offer to install, or to provide for the
17 installation of, a solar energy system into a dwelling unit when a
18 prospective owner enters into negotiations with the developer to
19 purchase a dwelling unit.

20 b. A developer shall disclose in any advertising, in a manner
21 and form determined by the commissioner pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.):

24 (1) that a prospective owner may have a solar energy system
25 installed in any dwelling unit; and

26 (2) the cost of installing a solar energy system into a dwelling
27 unit that will be charged to the owner by the developer.

28

29 5. A developer shall install, or provide for the installation of, a
30 solar energy system into a dwelling unit if the prospective owner
31 accepts the developer's offer to install, or to provide for the
32 installation of, a solar energy system into the dwelling unit and
33 becomes the owner of that dwelling unit.

34

35 6. In a development in which a homeowner or other owner or
36 membership association is responsible for the maintenance, repair
37 or replacement of the roof of the dwelling unit or other area upon
38 which a solar energy system is installed, if the association incurs
39 any additional cost or expense resulting from the installation of a
40 solar energy system, such as the additional cost to remove and
41 reinstall the system in the course of maintenance, repair or
42 replacement, the association shall have the right to:

43 a. impose and collect the additional cost or expense from the
44 owner of the dwelling unit, which shall be collectible in the same
45 manner as any other common expense or fee of the development;

46 b. access the dwelling unit as may be reasonably required to
47 perform such maintenance, repair or replacement; and

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1558

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Environment and Solid Waste Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1558.

This committee substitute would require a developer of a residential development of 50 or more dwelling units to offer to install a solar energy system in a dwelling unit when a prospective owner enters into negotiations with the developer to purchase a dwelling unit. In order to inform prospective buyers of this option, a developer would be required to disclose in any advertising that a prospective owner may have a solar energy system installed in any dwelling unit, the total cost of installing a solar energy system that will be charged to the owner by the developer, and an estimate of the potential energy cost savings associated with the solar energy system option, provided that the calculation of the estimated savings has been approved by the Commissioner of Community Affairs in consultation with the Board of Public Utilities (BPU). Under the substitute bill, if a prospective owner requests to have a solar energy system installed pursuant to a written contract with the developer, then the developer would be required to install a solar energy system in that dwelling unit.

The substitute bill provides that if the dwelling unit is located in a residential development in which a homeowner or other owner or membership association will be responsible for the maintenance, repair or replacement of the roof of the dwelling unit or other area upon which a solar energy system is installed, and the association incurs any additional cost or expense resulting from the installation of a solar energy system, such as the additional cost to remove and reinstall the system in the course of maintenance, repair or replacement, then the association would have the right to: (1) impose and collect the additional cost or expense from the owner of the dwelling unit, which would be collectible in the same manner as any other common expense or fee of the development; (2) access the dwelling unit as may be reasonably required to perform maintenance, repair or replacement; and (3) record a declaration or similar instrument, in the same manner as a deed, with the county clerk for the purpose of advising current and

prospective owners of the dwelling unit that they may be responsible for the costs and expenses related to maintenance, repair or replacement.

The substitute bill requires the Commissioner of Community Affairs, in consultation with the BPU, to adopt standards with respect to the technical sufficiency of the solar energy systems to be installed, and sets forth certain items required to be included in the standards.

The substitute bill would apply to any dwelling unit for which a construction permit is issued on or after the 90th day following the date of enactment of the bill into law.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1558

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2008

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 1558 (ACS) (1R) with committee amendments.

This bill, as amended, would require a developer of a residential development of 25 or more dwelling units to offer to install a solar energy system in a dwelling unit when a prospective owner enters into negotiations with the developer to purchase a dwelling unit, provided that the installation of such a system is technically feasible as determined by the Commissioner of Community Affairs ("commissioner") in consultation with the Board of Public Utilities ("BPU"). In order to inform prospective buyers of this option, a developer would be required to disclose in any advertising that a prospective owner may have a solar energy system installed in any dwelling unit, the total cost of installing a solar energy system that will be charged to the owner by the developer, general information on the environmental benefits and the potential energy cost savings, and information concerning any applicable credits, rebates, or other incentives that may be available for the installation of solar energy systems, as provided to the developer by the commissioner and the BPU. Under the bill, if a prospective owner agrees to have a solar energy system installed pursuant to a written contract with the developer, then the developer would be required to install a solar energy system in that dwelling unit.

The bill provides that if the dwelling unit is located in a residential development in which a homeowner or other owner or membership association will be responsible for the maintenance, repair or replacement of the roof of the dwelling unit or other area upon which a solar energy system is installed, and the association incurs any additional cost or expense resulting from the installation of a solar energy system, such as the additional cost to remove and reinstall the system in the course of maintenance, repair or replacement, then the association would have the right to: 1) impose and collect the additional cost or expense from the owner of the dwelling unit, which

would be collectible in the same manner as any other common expense or fee of the development; 2) access the dwelling unit as may be reasonably required to perform maintenance, repair or replacement; and 3) record a declaration or similar instrument, in the same manner as a deed, with the county clerk for the purpose of advising current and prospective owners of the dwelling unit that they may be responsible for the costs and expenses related to maintenance, repair or replacement.

The bill requires the commissioner, in consultation with the BPU, to adopt standards with respect to the technical sufficiency of the solar energy systems to be installed, and sets forth certain items required to be included in the standards.

The bill would apply to any dwelling unit for which a construction permit is issued on or after the 90th day following the date of enactment of the bill into law.

The committee amendments: 1) provide that the obligation of a developer to offer to install a solar energy system is imposed only if such installation is technically feasible as determined by the commissioner in consultation with the BPU; 2) incorporate the requirement that the developer shall provide general information on the environmental benefits and potential energy cost savings associated with solar energy systems and information concerning any applicable credits, rebates, or other incentives; 3) clarify that the 10-year warranty on the solar energy system shall be provided by the solar energy system manufacturer and shall be subject to coverage afforded under "The New Home Warranty and Builders' Registration Act;" 5) provide that the solar energy system shall conform to adopted energy codes for the dwelling unit where the solar energy system is installed; 6) require the provision of criteria by which the technical feasibility of the installation of a solar energy system is determined; 7) clarify in the definition of "solar energy system" that the type of such system may include, but not be limited to, nocturnal heat radiation, flat plate or focusing solar collectors, or photovoltaic solar cells; 8) clarify that, once the prospective owner of the dwelling unit takes ownership of the unit the system shall be installed upon the completion of the construction of the unit; 9) clarify that the commissioner may, in enforcing the provisions of the bill, assess violators of the bill those penalties provided for in section 18 of P.L.1977, c.419 (C.45:22A-38); and 10) require the BPU to adopt orders, rules, or regulations that provide for solar energy systems installed in accordance with the provisions of the bill to be eligible for all applicable credits, rebates, or other incentives that may be available for the installation of such systems.

As amended and reported by the committee, Assembly Bill No. 1558 (ACS)(1R) is identical to Senate Bill No. 2265 which was also amended and reported by the committee on this date.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1558

with Assembly Floor Amendments
(Proposed By Assemblywoman GREENSTEIN)

ADOPTED: SEPTEMBER 25, 2008

This floor amendment would change the defined number of units in a residential development from 50 to 25, for the purposes of a developer offering to install or providing installation of a solar energy system.

STATEMENT TO

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1558

with Senate Floor Amendments
(Proposed By Senator SMITH)

ADOPTED: NOVEMBER 24, 2008

This Senate amendment delays the commencement of the 90-day period within which a developer must install, or provide for the installation of, a solar energy system into a dwelling unit from the day following the enactment of the legislation to the Department of Community Affairs' adoption of standards with respect to the technical sufficiency of solar energy systems to be installed pursuant to this bill.

STATEMENT TO

[Third Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1558

with Assembly Floor Amendments
(Proposed By Assemblywoman GREENSTEIN)

ADOPTED: MARCH 16, 2009

This floor amendment would specify that if the prospective owner accepts, pursuant to a written contract, the developer's offer to install, or to provide for the installation of, a solar energy system into the dwelling unit, then the developer is to install, or provide for the installation of, a solar energy system into the dwelling unit prior to the completion of the construction of that unit.

1 (2) provide developers with information concerning any
2 applicable credits, rebates, or other incentives that may be available
3 for the installation of solar energy systems.

4
5 8. The commissioner shall enforce the provisions of this act in
6 accordance with the authority granted under section 18 of P.L.1977,
7 c.419 (C.45:22A-38).

8
9 9. This act shall take effect immediately and shall apply to any
10 dwelling unit for which a construction permit is issued on or after
11 the 90th day following the date of enactment of this act.

12
13
14 SPONSOR'S STATEMENT

15
16 This bill would require a developer of a residential development
17 of 25 or more dwelling units to offer to install a solar energy system
18 in a dwelling unit when a prospective owner enters into negotiations
19 with the developer to purchase a dwelling unit. In order to inform
20 prospective buyers of this option, a developer would be required to
21 disclose in any advertising that a prospective owner may have a
22 solar energy system installed in any dwelling unit, the total cost of
23 installing a solar energy system that will be charged to the owner by
24 the developer, and an estimate of the potential energy cost savings
25 associated with the solar energy system option, provided that the
26 calculation of the estimated savings has been approved by the
27 Commissioner of Community Affairs in consultation with the Board
28 of Public Utilities (BPU). Under the bill, if a prospective owner
29 requests to have a solar energy system installed pursuant to a
30 written contract with the developer, then the developer would be
31 required to install a solar energy system in that dwelling unit.

32 The bill provides that if the dwelling unit is located in a
33 residential development in which a homeowner or other owner or
34 membership association will be responsible for the maintenance,
35 repair or replacement of the roof of the dwelling unit or other area
36 upon which a solar energy system is installed, and the association
37 incurs any additional cost or expense resulting from the installation
38 of a solar energy system, such as the additional cost to remove and
39 reinstall the system in the course of maintenance, repair or
40 replacement, then the association would have the right to: (1)
41 impose and collect the additional cost or expense from the owner of
42 the dwelling unit, which would be collectible in the same manner as
43 any other common expense or fee of the development; (2) access
44 the dwelling unit as may be reasonably required to perform
45 maintenance, repair or replacement; and (3) record a declaration or
46 similar instrument, in the same manner as a deed, with the county
47 clerk for the purpose of advising current and prospective owners of

S2265 B. SMITH

6

1 the dwelling unit that they may be responsible for the costs and
2 expenses related to maintenance, repair or replacement.

3 The bill requires the Commissioner of Community Affairs, in
4 consultation with the BPU, to adopt standards with respect to the
5 technical sufficiency of the solar energy systems to be installed, and
6 sets forth certain items required to be included in the standards.

7 The bill would apply to any dwelling unit for which a
8 construction permit is issued on or after the 90th day following the
9 date of enactment of the bill into law.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2265

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2008

The Senate Economic Growth Committee reports favorably Senate Bill No. 2265 with committee amendments.

This bill, as amended, would require a developer of a residential development of 25 or more dwelling units to offer to install a solar energy system in a dwelling unit when a prospective owner enters into negotiations with the developer to purchase a dwelling unit, provided that the installation of such a system is technically feasible as determined by the Commissioner of Community Affairs ("commissioner") in consultation with the Board of Public Utilities ("BPU"). In order to inform prospective buyers of this option, a developer would be required to disclose in any advertising that a prospective owner may have a solar energy system installed in any dwelling unit, the total cost of installing a solar energy system that will be charged to the owner by the developer, general information on the environmental benefits and the potential energy cost savings, and information concerning any applicable credits, rebates, or other incentives that may be available for the installation of solar energy systems, as provided to the developer by the commissioner and the BPU. Under the bill, if a prospective owner agrees to have a solar energy system installed pursuant to a written contract with the developer, then the developer would be required to install a solar energy system in that dwelling unit.

The bill provides that if the dwelling unit is located in a residential development in which a homeowner or other owner or membership association will be responsible for the maintenance, repair or replacement of the roof of the dwelling unit or other area upon which a solar energy system is installed, and the association incurs any additional cost or expense resulting from the installation of a solar energy system, such as the additional cost to remove and reinstall the system in the course of maintenance, repair or replacement, then the association would have the right to: 1) impose and collect the additional cost or expense from the owner of the dwelling unit, which would be collectible in the same manner as any other common expense or fee of the development; 2) access the dwelling unit as may be reasonably required to perform maintenance, repair or replacement;

and 3) record a declaration or similar instrument, in the same manner as a deed, with the county clerk for the purpose of advising current and prospective owners of the dwelling unit that they may be responsible for the costs and expenses related to maintenance, repair or replacement.

The bill requires the commissioner, in consultation with the BPU, to adopt standards with respect to the technical sufficiency of the solar energy systems to be installed, and sets forth certain items required to be included in the standards.

The bill would apply to any dwelling unit for which a construction permit is issued on or after the 90th day following the date of enactment of the bill into law.

The committee amendments: 1) provide that the obligation of a developer to offer to install a solar energy system is imposed only if such installation is technically feasible as determined by the commissioner in consultation with the BPU; 2) incorporate the requirement that the developer shall provide general information on the environmental benefits and potential energy cost savings associated with solar energy systems and information concerning any applicable credits, rebates, or other incentives; 3) clarify that the 10-year warranty on the solar energy system shall be provided by the solar energy system manufacturer and shall be subject to coverage afforded under "The New Home Warranty and Builders' Registration Act;" 5) provide that the solar energy system shall conform to adopted energy codes for the dwelling unit where the solar energy system is installed; 6) require the provision of criteria by which the technical feasibility of the installation of a solar energy system is determined; 7) clarify in the definition of "solar energy system" that the type of such system may include, but not be limited to, nocturnal heat radiation, flat plate or focusing solar collectors, or photovoltaic solar cells; 8) clarify that, once the prospective owner of the dwelling unit takes ownership of the unit the system shall be installed upon the completion of the construction of the unit; 9) clarify that the commissioner may, in enforcing the provisions of the bill, assess violators of the bill those penalties provided for in section 18 of P.L.1977, c.419 (C.45:22A-38); and 10) require the BPU to adopt orders, rules, or regulations that provide for solar energy systems installed in accordance with the provisions of the bill to be eligible for all applicable credits, rebates, or other incentives that may be available for the installation of such systems.

As amended and reported by the committee, Senate Bill No. 2265 is identical to Assembly Bill No. 1558 (ACS)(1R) which was also amended and reported by the committee on this date.

STATEMENT TO

[First Reprint]

SENATE, No. 2265

with Senate Floor Amendments
(Proposed By Senator SMITH)

ADOPTED: NOVEMBER 24, 2008

This Senate amendment delays the commencement of the 90-day period within which a developer must install, or provide for the installation of, a solar energy system into a dwelling unit from the day following the enactment of the legislation to the Department of Community Affairs' adoption of standards with respect to the technical sufficiency of solar energy systems to be installed pursuant to this bill.

Governor
HomeMeet the
GovernorGovernor's Office
Executive Staff

Cabinet

Newsroom

Boards, Commissions
and Authorities

Photo Blog

For Kids

NEWSROOM

Event Photos

Press Releases

Featured Videos

Audio Clips

Newsletters

Speeches

Reports

Executive Orders

[Home](#) > [Newsroom](#) > [Press Releases](#) > [2009](#) > Mar-31-09 Governor Corzine Signs Bills to Help Achieve Goals of the Energy Master PlanJON S. CORZINE
Governor**For Immediate Release:****Date:** March 31, 2009**For More Information:**

Robert Corrales

Phone: 609-777-2600

Governor Corzine Signs Bills to Help Achieve Goals of the Energy Master Plan

TRENTON - Governor Jon S. Corzine today signed three pieces of legislation that will help support both cogeneration projects, and the development of solar energy and wind energy installations.

"The bills I am signing today will further our ongoing efforts to protect our environment, to combat global climate change, and make our state and nation less dependent on foreign energy sources," Governor Corzine said. "A cleaner New Jersey means a better New Jersey, and an even more attractive place for people to live, work, run a business, and raise a family."

Bill [A1558/S2265](#) requires developers to offer solar energy systems in certain new home construction. It also provides that the Commissioner of Community Affairs, in consultation with the Board of Public Utilities, would be required to adopt standards on technical sufficiency of the solar energy systems to be installed. Bill [A2550/S1299](#) permits the location of certain wind and solar facilities in industrial zones.

"As we look for ways to improve our economic stability in these trying fiscal times, we need to look at expanding New Jersey's green economy, and creating more green-collar jobs in the Garden State," said Senator Bob Smith (D-Middlesex). "We can advance economic growth and environmental preservation in one fell swoop, lowering people's utility bills while putting more people to work building a renewable energy infrastructure. These bills reflect President Obama's call for environmentally sustainable economic recovery, and move us down the field in expanding access to renewable energy for all New Jersey residents."

"We must reduce our reliance on increasingly expensive fossil fuels by making use of renewable energy resources that can save consumers money and reduce the burden on our precious natural resources," said Assembly Majority Leader Bonnie Watson Coleman (D-Mercer). "By using solar energy for heat and electricity we can significantly decrease dangerous greenhouse gases emissions."

"We can vastly improve the quality of life for all New Jersey families by encouraging investment in solar energy systems in all new houses," said Assemblywoman Linda Greenstein (D-Middlesex/Mercer). "Sound public policy and environmentally responsible practices can come together to provide dividends for generations."

"We need to stop looking at wind and solar power as novelties and start viewing them as a viable, home-grown energy industry that can create new jobs here in New Jersey," said Assemblywoman Pamela R. Lampitt (D-Camden). "Actively promoting the expansion of alternative energy can be a win for communities, a win for the economy and a win for the environment."

"This will help reduce our reliance on fossil fuels and redevelop industrial zones struggling in this global economic recession," said Assemblywoman Connie Wagner (D-Bergen). "It's smart environmentally and fiscally."

"New Jersey should be encouraging renewable energy as we look to position our state to emerge stronger from this global economic meltdown," said Assemblywoman Valerie Vainieri Huttle (D-Bergen). "This helps do just that, and is a sound approach that will have the potential to benefit generations to come."

"Many industrial areas need our help, and this is a sensible way to accomplish that while promoting renewable energy that is clearly the wave of the future," said Assemblywoman Nellie Pou (D-Passaic). "This approach will create jobs, help us save money and set us up to thrive once this global meltdown is over."

Bill [A2507/S1932](#) authorizes the BPU to use Retail Margin Fund monies to provide grants for combined heat and power production, energy efficiency projects and programs promoting renewable energy and energy efficiency. This money will primarily be used to develop cogeneration facilities, and will

provide a \$450 rebate for every kilowatt of capacity installed.

"Clean, renewable energy and co-generation grants make New Jersey much more attractive to business investors and represent the future in environmentally-friendly energy production," said Senator M. Teresa Ruiz (D-Essex and Passaic). "Particularly as we work to encourage businesses to locate to the Garden State, these programs will reduce our carbon footprint and lower energy costs for consumers across the board. I applaud the Governor for working with us to promote energy alternatives and for making New Jersey a national leader in low-impact energy production which will revitalize our economy and preserve our natural resources for future generations."

"This will help to drive down escalating energy bills burdening New Jersey ratepayers during the current economic crisis," said Assemblyman Upendra Chivukula (D-Somerset). "Energy efficient appliances, newer equipment, technical audits and plant expansions will help to reduce energy consumption by commercial and industrial entities. These savings will translate into reduced energy bills for New Jersey consumers while furthering the Governor's Energy Master Plan."

Environmental quality and reducing the impact of greenhouse gasses has been an ongoing goal of the administration. The Energy Master Plan (EMP) released last year aims to reduce energy usage by 20 percent by 2020, using efficiency measures and our burgeoning clean-energy industry in New Jersey. The EMP also sets a goal of producing 30 percent of the State's energy from renewables, also by 2020.

The Governor also signed the Energy Savings Improvement Plan into law, making it easier for municipalities, among other entities, to retrofit municipal buildings and schools with energy-saving measures with no up-front costs. In 2007, New Jersey passed the Global Warming Response Act, which requires a reduction in carbon emissions to our 1990 level by 2020, and 80 percent below the 2006 level by 2050.

###

Photos from Governor Corzine's public events are available
in the Governor's Newsroom section on the State of New Jersey web page, <http://www.nj.gov/governor/news/>

[Contact Us](#) | [Privacy Notice](#) | [Legal Statement](#) | [Accessibility Statement](#)



Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)
Office of the Governor: [Governor Home](#) | [Meet the Governor](#) | [Executive Staff](#) | [Cabinet](#) | [Newsroom](#) | [Boards, Commissions and Authorities](#) | [Photo Blog](#) | [For Kids](#)

Copyright © State of New Jersey, 1996-2009
Office of the Governor
PO Box 601
Trenton, NJ 08645
609-292-6000