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AB 738: Solar Energy Mandate Exemption for Natural Disaster Victims

Summary:

AB 738 will provide temporary relief for homeowners rebuilding residential buildings damaged or destroyed in areas where the Governor has declared a state of emergency. Specifically, it allows such residential construction to follow Solar Energy requirements that were in effect when the original building was constructed, rather than any updated or conflicting solar mandates in place at the time of repair, restoration, or replacement. Additionally, these provisions are effective until January 1, 2029, and require local agencies to ensure compliance with the older standards

Existing Law:

Current law mandates that all new buildings constructed on or after January 1, 2020 must include photovoltaic (solar) energy. Additionally, any buildings constructed prior to 2020 must be “solar-ready” to accommodate solar installation in the future.

Problem:

When rebuilding homes after disasters, homeowners often face significant financial and logistical challenges due to stricter building standards and requirements to include updated solar energy systems. These updated

Standards can impose additional costs on homeowners, particularly those with limited insurance coverage or financial resources, further delaying recovery efforts. AB 738 will create an exemption for individuals who are at or below the median income for the area, the new building will not exceed the square footage of the original building, new construction is at the original site, and the owner did not have code upgrade insurance at the time of the damage.

Solution:

AB 738 allows homeowners in disaster-affected areas to rebuild using the solar energy requirements that were applicable at the time of the original building's construction. By doing so, it reduces the financial burden of compliance with new regulations, helping to accelerate recovery efforts. AB 738 will create an exemption for individuals who are at or below the median income for the area, the new building will not exceed the square footage of the original building, new construction is at the original site, and the owner did not have code upgrade insurance at the time of the damage.

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