# New Jersey Legislates Requirement that New Warehouse Construction be "Solar-Ready"

Client Alert

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On June 3, 2021, in a continuing effort to support the widespread installation of solar photovoltaic generating systems on commercial rooftops, the New Jersey Legislature passed a bill (A-3352/S-3504) requiring that newly constructed warehouses be designed as "solar-ready buildings." The bill, which is expected to be signed into law by Governor Phil Murphy, applies to warehouses for which an application for a construction permit has not been declared complete by the enforcing entity by July 1, 2022.

The new law defines a solar-ready building as a "building that includes a solar-ready zone," which in turn "means a section of a roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system, which is *at less 40 percent of the roof area* . . . minus the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas" (emphasis supplied). The "solar-ready" requirement is applicable to "warehouses" defined as "any building, room, structure, or facility of at least 100,000 square feet used primarily for the storage of goods intended for sale."

The primary sponsor of the legislation is Senator Bob Smith, a consistent supporter of energy initiatives that foster the reduction of green-house gas emissions. The new law is consistent with the New Jersey Master Energy Plan's (EMP) ambitious goal of generating 34% of the state's total electricity consumption from solar energy by 2050. As of 2020, approximately 5% of New Jersey's electricity is derived from solar generation.

It is expected that New Jersey's growing warehouse market will serve as a prime location for the installation of roof-top solar installations and, given the State's reluctance to encourage the development of grid-supply solar projects on greenfields, the use of commercial building rooftops is critical to the achievement of New Jersey's solar installation goals.

The new law directs the Department of Community Affairs (DCA) to adopt regulations establishing the standards for the design and construction of solar-ready buildings. The law provides that the regulations shall incorporate

the provisions of the 2018 International Energy Conservation Code (IECC), *Appendix CA* concerning solar-ready zones. In fact, the definition of "Solar-ready Zone" in the law is taken from the IECC. The IECC provides, among other things, that solar-ready zones shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights and roof-mounted equipment. The IECC also includes requirements regarding roof loads, pathways for routing of conduit and piping, reservation of space in the main electrical service panel for future solar electric installation, and solar specific construction document requirements.

We will continue to monitor the new law and the DCA's anticipated introduction of regulations to implement its requirements consistent with the IECC.

## Related Attorneys

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