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HOUSE BILL NO. 779

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact § 15.2-2288.7 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-1212.1 and by adding in Chapter 23 of Title 56 a section numbered 56-596.7, relating to electric utilities; small portable solar generation devices; local regulation; Residential Landlord and Tenant Act.

Patron—Oates

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2288.7 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-1212.1 and by adding in Chapter 23 of Title 56 a section numbered 56-596.7 as follows:

§ 15.2-2288.7. Local regulation of solar facilities and small portable solar generation devices.

A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned residential shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned agricultural, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or institutional shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or institutional, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

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D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned mixed-use shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned mixed-use, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

E. *No locality shall prohibit the use of a small portable solar generation device, as defined in § 56-596.7, on a residential structure, provided that such device (i) is in compliance with any height and setback requirements in the zoning district where such property is located; (ii) is in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located; and (iii) meets the requirements of this section and subsection C of § 56-596.7.*

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. A locality, by ordinance, may provide by-right authority for installation of solar facilities or devices in any zoning classification in addition to that provided in this section. A locality may also, by ordinance, require a property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) who removes solar panels or devices to dispose of such panels or devices in accordance with such ordinance in addition to other applicable laws and regulations affecting such disposal.

§ 55.1-1212.1. Installation of small portable solar generation devices.

A. As used in this section, "small portable solar generation device" means a moveable photovoltaic generation device that (i) has a maximum power output of not more than 1,200 watts; (ii) is designed to be connected to the electrical system of a building through a standard 120-volt alternating current outlet; (iii) is not designed to be interconnected with the electric grid; (iv) is located on the customer's side of the electric meter and intended primarily to offset part of the customer's electricity consumption; (v) meets the standards of the most recent version of the National Electrical Code; and (vi) is certified by a nationally recognized testing laboratory, as described in 29 C.F.R. § 1910.7, or an equivalent nationally recognized testing laboratory.

B. No landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth shall prohibit a tenant from installing a small portable solar generation device on the exterior of the tenant's premises. However, a landlord may establish reasonable restrictions concerning the size, place, and manner or placement of such small portable solar generation devices. The landlord may prohibit or restrict the installation of such small portable solar generation devices elsewhere on the premises.

C. The tenant shall be responsible for any damages sustained to the rental dwelling unit or the premises as a result of any small portable solar generation device installed pursuant to this section.

§ 56-596.7. Small portable solar generation devices; exempt from interconnection.

A. As used in this section, a "small portable solar generation device" means a moveable photovoltaic generation device that (i) has a maximum power output of not more than 1,200 watts; (ii) is designed to be connected to the electrical system of a building through a standard 120-volt alternating current outlet; (iii) is not designed to be interconnected with the electric grid; (iv) is located on the customer's side of the electric meter and intended primarily to offset part of the customer's electricity consumption; (v) meets the standards of the most recent version of the National Electrical Code; and (vi) is certified by a nationally recognized testing laboratory, as described in 29 C.F.R. § 1910.7, or an equivalent nationally recognized testing laboratory.

B. Any customer of an investor-owned utility, municipal utility, or electric cooperative may own and operate a small portable solar generation device that meets the requirements of this section without being subject to interconnection requirements, net energy metering provisions, or any other provision of law requiring reimbursement to or approval from the electric utility to own and operate the small portable solar

121 generation device, provided that such customer has submitted notice of its intent to operate the small
122 portable solar generation device to the incumbent investor-owned utility, municipal utility, or electric
123 cooperative providing electric service to such customer. No investor-owned utility, municipal utility, or
124 electric cooperative shall require a customer using a small portable solar generation device to obtain the
125 utility's approval before installing or using the device, pay any fee or charge related to the device, or install
126 any additional controls or equipment beyond what is integrated with the device.

127 C. A customer that owns and operates a small portable solar generation device shall ensure that the
128 device includes a device or feature that prevents the device from affecting the electrical system of the building
129 during a power outage.

130 D. No investor-owned utility, municipal utility, or electric cooperative shall be liable for any damage or
131 injury caused by a small portable solar generation device.