

[Third Reprint]

SENATE, No. 2368

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

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District 37 (Bergen)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

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Senators Diegnan, Zwicker, Greenstein, Assemblyman Singh, Assemblywoman Brennan, Assemblyman Bhalla, Assemblywoman Bagolie, Assemblymen Onyema, Freiman, Macurdy and Assemblywoman Drulis

SYNOPSIS

“Garden State Balcony Solar Act”; exempts portable solar generation devices from certain requirements, and requires certain entities to allow use and installation of portable solar generation devices.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 28, 2026, with amendments.

(Sponsorship Updated As Of: 6/30/2026)

1 AN ACT concerning portable solar electric power generation
 2 systems and supplementing ²**[Title]** Titles 40, 46, and ²48 of the
 3 Revised Statutes ²**[¹and P.L.1975, c.217 (C.52:27D-119 et**
 4 seq.)¹]².

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

8
 9 ²1. This act shall be known and may be cited as the “Garden State
 10 Balcony Solar Act.”²

11
 12 ²**[1.]** ²2. a. As used in this section:

13 “Board” means the Board of Public Utilities.

14 “Electric public utility” means the same as the term is defined in
 15 section 3 of P.L.1999, c.23 (C.48:3-51).

16 “Portable solar generation device” means a moveable photovoltaic
 17 generation device ²and associated equipment² that: (1) has a
 18 maximum power output of not more than 1,200 watts; (2) is designed
 19 to be connected to a building’s electrical system through a standard
 20 120-volt alternating current outlet; (3) is ²located on the customer’s
 21 side of the electrical meter and is² intended primarily to offset part of
 22 the customer’s electricity consumption; (4) ²**[meets the standards of**
 23 **the most recent version of the National Electrical Code; and (5)]**² is
 24 ²listed or² certified ²**[by Underwriters Laboratories or an equivalent**
 25 **nationally recognized testing laboratory]** in accordance with
 26 Underwriters Laboratories Standard No. 3700, the “Outline of
 27 Investigation for Interactive Plug-in Photovoltaic Equipment and
 28 Systems,” or a comparable standard, or a combination of standards that
 29 together address plug-in photovoltaic safety and grid-parallel by a
 30 nationally recognized testing laboratory; and (5) includes a device or
 31 feature that prevents the portable solar generation device from
 32 exporting power to the electrical distribution system during a power
 33 outage².

34 b. Notwithstanding the provisions of P.L.1999, c.23 (C.48:3-49 et
 35 al.), or any other law, rule, regulation, or board order to the contrary, a
 36 portable solar generation device shall be exempt from:

37 (1) any requirement to obtain or execute an interconnection
 38 agreement prior to operating the portable solar generation device under
 39 P.L.1999, c.23 (C.48:3-49 et al.) or any other law, rule, or regulation;
 40 and

41 (2) net metering program requirements under P.L.1999, c.23
 42 (C.48:3-49 et al.) or any other law, rule, or regulation.

43 c. An electric public utility shall not require a customer using a
 44 portable solar generation device to:

**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:

¹Senate SEN committee amendments adopted March 16, 2026.

²Assembly ASL committee amendments adopted June 23, 2026.

³Assembly ABU committee amendments adopted June 28, 2026.

1 (1) obtain the electric public utility's prior approval before
2 installing or using the device;

3 (2) pay any fee or charge related to the device; or

4 (3) install any additional controls or equipment beyond what is
5 integrated into the device.

6 d. An electric public utility shall not be held liable in a civil action
7 for ²~~;(1)~~² any damage or injury ²~~proximately~~² caused by a customer's
8 use of a portable solar generation device ²; or (2) any overvoltage,
9 power quality, or power flow issue proximately caused by the use of
10 one or more portable solar generation devices, including the combined
11 impact of multiple portable solar generation devices used by one or
12 more customers in proximity to one another².

13 ²e. A portable solar generation device shall comply with the
14 applicable installation provisions of the product listing, and the
15 applicable installation provisions of the most recent versions of the
16 National Electrical Code and the State Uniform Construction Code
17 adopted pursuant to the "State Uniform Construction Code Act,"
18 P.L.1975, c.217 (C.52:27D-119 et seq.), except that a portable solar
19 generation device that has a maximum power output to the receptacle
20 outlet of 400 watts or less shall be exempt from any provision in the
21 product listing, National Electrical Code, or State Uniform
22 Construction Code that would require alterations to the building's
23 premises, wiring, or electrical panels. However, all portable solar
24 generation devices shall comply with any applicable portable solar
25 generation device provisions of the 2029 National Electrical Code,
26 when those provisions are incorporated into the State Uniform
27 Construction Code by the Commissioner of Community Affairs.

28 f. The combined maximum power output of all portable solar
29 generation devices operated by an electricity customer at a single
30 service address, or, in the case of multi-family housing, at a single
31 dwelling unit, shall not exceed 1,200 watts, unless an interconnection
32 agreement is obtained or executed under P.L.1999, c.23 (C.48:3-49 et
33 al.) prior to operating portable solar generation devices with a
34 combined output exceeding 1,200 watts.²

35
36 ²[¹2. a. As used in this section, "portable solar generation
37 device" means the same as the term is defined in section 1 of
38 P.L. , c. (C.) (pending before the Legislature as this bill).

39 b. The Department of Community Affairs shall adopt, pursuant
40 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
41 1 et seq.), a portable solar generation device addendum to, or
42 amendments to revise, the electrical subcode or other appropriate
43 model code adopted pursuant to the "State Uniform Construction
44 Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the purpose
45 of establishing adequate and appropriate standards to provide
46 guidance concerning wiring or modification of homes to
47 accommodate the use of commercially available portable solar
48 generation devices. The guidance shall include standards for the

1 use, in New Jersey, of portable solar generation devices designed
2 for use in the United States, and standards for the modification or
3 adaptation of home electrical systems for the use, in New Jersey, of
4 portable solar generation devices that were designed for use in
5 countries other than the United States.¹²

6
7 ¹[2. This] ²[3. Section 1 of this¹ act shall take effect six
8 months after the date of enactment, except that the board may take
9 any anticipatory action in advance of the effective date as is
10 necessary for the implementation of this act. ¹Section 2 of this act
11 shall take effect immediately.]¹².

12
13 ²3. a. As used in this section, “portable solar generation device”
14 means the same as the term is defined in section 2 of
15 P.L. , c. (C.) (pending before the Legislature as this bill).

16 b. No landlord shall prohibit a tenant ³who is responsible for
17 payment of the electric service used within the tenant’s leased
18 premises³ from utilizing a portable solar generation device or
19 placing a portable solar generation device ³[on the exterior of]
20 within³ the tenant’s leased premises³, including any leased balcony
21 or patio³. A landlord may establish reasonable restrictions
22 concerning the physical dimension, placement, or manner of
23 placement of a portable solar generation device ³[on the leased
24 premises of the tenant’s accessible exterior, including but not
25 limited to the balcony, patio, and exterior wall surfaces]³. A
26 landlord may prohibit or restrict the placement of a portable solar
27 generation device elsewhere on the landlord’s premises, ³[so long
28 as the prohibitions]³ and ³may impose any³ restrictions ³[do not
29 cause] necessary to ensure that³ the portable solar generation
30 device ³[to be in violation of any] complies with all applicable³
31 product listing ³[provision] provisions³, any ³[provision]
32 provisions³ of the State Uniform Construction Code adopted
33 pursuant to the “State Uniform Construction Code Act,” P.L.1975,
34 c.217 (C.52:27D-119 et seq.), or any National Electrical Code
35 ³[provision] provisions pursuant to subsection e. of section 2 of
36 P.L. , c. (C.) (pending before the Legislature as this bill)³.

37 c. A tenant shall provide written notice to the landlord³,
38 homeowners’ association, condominium association, cooperative
39 housing corporation, other entity governing a planned real estate
40 development, as defined in section 3 of P.L.1977, c.419 (C.45:22A-
41 23), or condominium, as defined in section 3 of P.L.1969, c.257
42 (C.46:8B-3),³ of the tenant’s intent to use a portable solar
43 generation device, which includes documentation that the device
44 meets the requirements set forth in section 2 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill), and
46 which identifies the proposed location of the portable solar

1 generation device, at least ³[seven] 14³ days prior to placement or
2 use. The landlord may respond to the tenant's notice with any
3 reasonable restrictions concerning the physical dimensions,
4 placement, or manner of placement of the device.

5 d. A tenant shall be responsible for any damages sustained to a
6 premises leased by the tenant as a result of a portable solar
7 generation device used or placed pursuant to this section. A
8 landlord shall not be held liable for failing to maintain a habitable
9 dwelling or provide an essential service based on a condition in the
10 leased premises caused solely by a portable solar generation device
11 use or placed on the premises pursuant to this section.

12 e. A homeowners' association, condominium association,
13 cooperative housing corporation, other entity governing a planned
14 real estate development, as defined in section 3 of P.L.1977, c.419
15 (C.45:22A-23), or condominium, as defined in section 3 of
16 P.L.1969, c.257 (C.46:8B-3), shall not enforce any provision of a
17 master deed, declaration, bylaw, rule, regulation, or other governing
18 document that prohibits a unit owner or tenant from utilizing a
19 portable solar generation device or placing a portable solar
20 generation device on the exterior of the unit owner's or tenant's
21 premises. A homeowners' association, condominium association,
22 cooperative housing corporation, other entity governing a planned
23 real estate development, or condominium may establish reasonable
24 restrictions concerning the size, placement, or manner of placement
25 of a portable solar generation device on the exterior of a unit
26 owner's or tenant's premises. Any provision of a master deed,
27 declaration, bylaw, rule, regulation, or other governing document
28 inconsistent with this subsection shall be void and unenforceable.

29 f. A landlord, homeowners' association, condominium
30 association, cooperative housing corporation, other entity governing
31 a planned real estate development, or condominium may require a
32 tenant, unit owner, or occupant to indemnify the landlord,
33 homeowners' association, condominium association, cooperative
34 housing corporation, other entity governing a planned real estate
35 development, or condominium for claims, damages, losses, or
36 liabilities arising from personal injury or property damage caused
37 by the negligent installation, maintenance, or use of a portable solar
38 generation device by the tenant, unit owner, occupant, or the
39 tenant's, unit owner's, or occupant's contractor or agent.²

40
41 ²4. a. As used in this section, "portable solar generation device"
42 means the same as the term is defined in section 2 of
43 P.L. , c. (C.) (pending before the Legislature as this bill).

44 b. Notwithstanding the provisions of P.L.1975, c.291 (C.40:55D-1
45 et seq.), or any other law, rule, regulation, or municipal ordinance to
46 the contrary, a municipality shall not prohibit the use of a portable
47 solar generation device on a residential property.

1 c. No municipality shall require a permit, application, fee, license,
2 or other approval for the placement or use of a portable solar
3 generation device. The provisions of this subsection shall not be
4 construed to exempt any building modification, electrical work, or
5 other alteration from the applicable provisions of the National
6 Electrical Code, the State Uniform Construction Code adopted
7 pursuant to the “State Uniform Construction Code Act,” P.L.1975,
8 c.217 (C.52:27D-119 et seq.), or any municipal permit or inspection
9 requirements.²

10

11 ^{25.} This act shall take effect six months after the date of
12 enactment, except that the board may take any anticipatory action in
13 advance of the effective date as is necessary for the implementation of
14 this act.²