

HOUSE No. 3225

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to encourage solar development on buildings and disturbed land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/19/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/2/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/8/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/9/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/9/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/13/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/13/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/13/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/13/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/23/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>2/23/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>2/27/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>3/3/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/14/2023</i>

HOUSE No. 3225

By Representatives Sabadosa of Northampton and Garballey of Arlington, a petition (accompanied by bill, House, No. 3225) of Lindsay N. Sabadosa, Sean Garballey and others for legislation to encourage solar energy development on buildings and disturbed land. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to encourage solar development on buildings and disturbed land.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 138 of the General Laws, as appearing in the 2016 19 Official
2 Edition, is hereby amended in the definition of “Class III net metering facility” by adding at the
3 end thereof, the following words: “; provided further, that a Class III net metering facility that is
4 a solar net metering facility located on built land may have a generating capacity of more than 1
5 megawatt but less than or equal to 5 megawatts.”

6 SECTION 2. Chapter 138 of the General Laws, as appearing in the 2016 19 Official
7 Edition, is hereby amended by adding the following definitions:

8 “Disturbed land”, land containing pavement, compacted urban soils, gravel pits, and
9 other land that is barren of native plant growth due to human activity prior to January 1, 2023
10 and land that is part of a parcel containing a building and is not and has not been forest or tree
11 covered or used for agriculture or zoned for agriculture since January 1, 2012.

12 “Built land”, parking lots over which a solar canopy can be installed, structures,
13 brownfields, landfills, roadway cuts or disturbed land.

14 SECTION 3. Section 139(i) of chapter 164 of the General Laws, as amended by chapter 8
15 of the acts of 2021, and amended by Section 54 of chapter 179 of the acts of 2022 is hereby
16 further amended by adding the following sentence:

17 A Class I net metering facility on built land with a capacity greater than 25 kilowatts, a
18 Class II net metering facility on built land or Class III solar net metering facility on built land
19 shall be exempt from subsections (b1/2) and (k) and from the aggregate net metering capacity of
20 facilities that are not net metering facilities of a municipality or other governmental entity under
21 subsection (f) and may net meter and, irrespective of size, accrue Class II net metering credits if
22 it is generating renewable energy.

23 SECTION 4. Chapter 75 of the acts of 2016, as amended by section 63 of chapter 179 of
24 the acts of 2022, is hereby further amended by inserting after 11A the following three new
25 sections:

26 Section 11B. The department of energy resources shall promulgate regulations to include
27 in the solar incentive program established in section 11 and in any successor solar incentive
28 program, additional adders for solar facilities located on built land, including parking lot
29 canopies, and remove declining incentive blocks for solar facilities located on built land. The
30 department of energy resources shall promulgate regulations that allow adjustment of incentives
31 for solar energy based on market conditions for energy, labor, steel, other materials associated
32 with the manufacturing of solar panels, and other solar development cost realities. By December

33 31, 2023 the department of energy resources and the department of public utilities shall finalize
34 these changes for built land.

35 Section 11C. The executive office of environmental affairs shall investigate and report on
36 appropriate uses of federal funds and funds held in the transitional escrow account, specifically
37 funds transferred pursuant to section 259 of chapter 268 of the acts of 2022 to the Transitional
38 Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended by section 4
39 of chapter 98 of the acts of 2022, and any funds remaining in the federal COVID-19 response
40 fund established in section 2JJJJ of chapter 29 of the General Laws to encourage the equitable
41 deployment of solar facilities located on built land. The executive office of energy and
42 environmental affairs shall transmit the report to the house and senate chairs of the joint
43 committee on telecommunications, utilities & energy, and the chairs of the house and senate
44 committees on ways & means no later than December 31, 2023.

45 Section 11D. The Massachusetts Clean Energy Center shall create a grant program for
46 roof repair or replacement as part of a rooftop solar project if needed to make solar an
47 economically sound choice with priority for buildings in environmental justice communities. By
48 December 31, 2023 a grant program shall be finalized.

49 SECTION 5. By December 31, 2023 the department of public utilities shall implement
50 SECTION 3.