

HOUSE No. 3838

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 relative to solar assessments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>

HOUSE No. 3838

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3838) of Marjorie C. Decker and others relative to zoning for solar systems for certain development projects. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to solar assessments.

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 40A of the General Laws is hereby amended by inserting after
2 section 9B the following section:-

3 Section 9B ½. (a) For purposes of this section, the following terms shall have the
4 following meanings, unless the context clearly requires otherwise:-

5 “Active solar energy system”, shall mean a solar energy system whose primary purpose is
6 to harvest energy by transforming solar energy into another form of energy or transferring heat
7 from a collector to another medium using mechanical, electrical, or chemical means.

8 “Board”, shall mean the state board of building regulations and standards.

9 “Building code enforcement official”, shall mean the inspector of buildings or building
10 commissioner designated pursuant to section 3 of chapter 143.

11 “Ground-mounted or canopy solar energy system”, shall mean an active solar energy
12 system that is structurally mounted to the ground and is not roof-mounted.

13 “Roof-mounted solar energy system” shall mean an active solar energy system that is
14 structurally mounted to the roof of a building or structure.

15 “Solar energy system”, shall mean a device or structural design feature, a substantial
16 purpose of which is to provide for the collection, storage and distribution of solar energy for
17 space heating or cooling, electricity generation, or water heating.

18 “Solar-ready zone”, shall mean the solar-ready zone area is 50 per cent of the roof area
19 that is either flat or oriented between 110 degrees and 270 degrees of true north, exclusive of
20 mandatory access or set back areas as required by the state fire code.

21 (b) A development project greater than or equal to 10,000 gross square feet or containing
22 10 or more residential units shall include a solar energy system that shall be equivalent to a
23 minimum of 50 per cent of the roof area of all buildings. If a site includes an uncovered parking
24 structure, the structure shall also have a solar energy system installed to cover a minimum of 90
25 per cent of its top level.

26 (c) A solar assessment shall be submitted to the building code enforcement official,
27 which shall include, but not be limited to:

28 (i) an analysis for solar energy systems for the site detailing layout and annual
29 production; and

30 (ii) the maximum feasible solar zone area of all structures and potential ground-mounted
31 canopies.

32 An initial solar energy system assessment shall be submitted to said building code
33 enforcement official along with any required application for site plan review pursuant to any
34 state law or zoning ordinance or by-law. A final solar installation plan shall be reviewed and
35 approved by the building code enforcement official, prior to the issuance of a building permit.

36 (d) A development project shall not be required to install a solar energy system on the
37 roof if there is no solar ready zone, or the solar-ready zone is shaded for more than 50 per cent of
38 daylight hours annually, or for building conversions with insufficient structural load capacity. In
39 the case of a mixed or ground mounted installation the requirement may be reduced or waived
40 upon application for such reduction or waiver submitted to the building code enforcement
41 official if said official determines there is not a viable location to meet the solar requirement.

42 Solar energy systems shall be located in such a manner as to ensure emergency access to
43 the roof, provide pathways to specific areas of the roof, provide for smoke ventilation
44 opportunities, and provide emergency egress from the roof, as required by the state fire code.

45 No roof-mounted solar energy system shall be located in a manner that would cause the
46 shedding of ice or snow from the roof into a porch, stairwell or pedestrian travel area.

47 Solar energy systems shall not be included in calculations for building coverage or
48 impervious cover as identified in any zoning ordinance or by-law.

49 (e) The board shall promulgate rules and regulations to amend the state building code as
50 necessary to establish minimum standards for new construction to accommodate a solar energy
51 system pursuant to this section and to carry out this section.

52 SECTION 2. The state board of building regulations and standards shall promulgate
53 regulations pursuant to subsection (e) of section 9B ½ of chapter 40A of the General Laws
54 within 1 year of the effective date of this act.