

**SENATE . . . . . No. 1931**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sonia Chang-Diaz***

*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 power in environmental justice and urban communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/25/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/31/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/1/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/1/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/1/2019</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>



**SENATE . . . . . No. 1931**

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By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 1931) of Sonia Chang-Diaz, Jack Patrick Lewis, Jason M. Lewis, Michael F. Rush and other members of the General Court for legislation relative to solar power in environmental justice and urban communities. Telecommunications, Utilities and Energy.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1831 OF 2017-2018.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to solar power in environmental justice and urban communities.

*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. Section 138 of chapter 164, as appearing in the 2016 Official Edition, is  
2 hereby amended by inserting after the definition of “customer” the following definitions:-

3 "Low-income", includes low-income households as defined under section 1 of chapter  
4 40T.

5 "Environmental justice", the right to be protected from environmental pollution and to  
6 live in and enjoy a clean and healthful environment regardless of race, income, national origin or  
7 English language proficiency. Environmental justice shall include the equal protection and  
8 meaningful involvement of all people with respect to the development, implementation, and

9 enforcement of environmental laws, regulations, and policies and the equitable distribution of  
10 environmental benefits.

11 "Environmental Justice Population", a neighborhood whose annual median household  
12 income is equal to or less than 65 per cent of the statewide median or whose population is made  
13 up 25 per cent minority or lacking English language proficiency or as determined by the  
14 executive office of energy and environmental affairs pursuant to Executive Order 552.

15 "Environmental Justice Household", includes households within Environmental Justice  
16 Populations.

17 "Low income solar net metering facility", a solar net metering facility that allocates all of  
18 its output and net metering credits to (1) the providers or residents of publicly-assisted housing  
19 under section 1 of chapter 40T or (2) low income and environmental justice households; or (3)  
20 entities primarily serving such persons. The department of energy resources may establish an  
21 alternate minimum threshold or thresholds for allocation of output and net metering credits to  
22 determine project eligibility if the department determines a lower threshold is necessary in order  
23 to facilitate economic viability of low-income solar net metering facilities or to deliver  
24 meaningful economic benefit to recipients.

25 "Community shared solar net metering facility", a solar net metering facility with three or  
26 more eligible recipients of credits, provided that (1) no more than 50 per cent of the net metering  
27 credits produced by the facility are allocated to any one recipient, (2) no more than three  
28 recipients may receive net metering credits in excess of those produced annually by 25 kW of  
29 nameplate AC capacity and the combined share of said participants' capacity shall not exceed 50  
30 per cent of the total capacity of the Generation Unit, unless otherwise allowed by the department

31 of energy resources, and (3) the recipients have an interest in the production of the facility or the  
32 entity that owns the facility, in the form of formal ownership, a lease agreement, or a net  
33 metering allocation agreement.

34 SECTION 2. Said section 138 of said chapter 164, as so appearing, is hereby further  
35 amended in the definition of "market net metering credit" by striking out the following words:-  
36 "that credits shall only be allocated to an account of a municipality or government entity." and  
37 inserting in place thereof the following words:- "that credits shall only be allocated to an account  
38 of a municipality or government entity or low-income and environmental justice households."

39 SECTION 3. Said section 138 of said chapter 164, as so appearing, is hereby further  
40 amended in the definition of "Net metering facility of a municipality or other governmental  
41 entity" by striking out the following words:- "or (2) of which the municipality or other  
42 governmental entity is assigned 100 per cent of the output." and inserting in place thereof the  
43 following words:- "or (2) of which the municipality, other governmental entity, or low income or  
44 environmental justice households are assigned 100 per cent of the output."

45 SECTION 4. Section 139 of said chapter 164, as so appearing, is hereby further amended  
46 by adding the following subsections:-

47 (1) Notwithstanding any provision of special or general law to the contrary, a low income  
48 solar net metering facility shall receive credits equal to the excess kilowatt-hours by time of use  
49 billing period, if applicable, multiplied by the sum of the distribution company's: (i) default  
50 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii)  
51 distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition  
52 kilowatt-hour charge; provided, however, that this shall not include the demand side

53 management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of  
54 chapter 25.

55 (m) Notwithstanding any provision of special or general law to the contrary, a community  
56 shared solar net metering facility that allocates at least 50 per cent of its credits to low income  
57 and environmental justice households or the providers or residents of publicly-assisted housing  
58 under section 1 of chapter 40T or (3) entities primarily serving such persons shall receive credits  
59 equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the  
60 sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load  
61 zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission  
62 kilowatt-hour charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall  
63 not include the demand side management and renewable energy kilowatt-hour charges set forth  
64 in sections 19 and 20 of chapter 25.

65 SECTION 5. Said section 139 of said chapter 164, as so appearing, is hereby amended by  
66 striking out in subsection (f) the following words:- "The aggregate net metering capacity of  
67 facilities that are not net metering facilities of a municipality or other governmental entity shall  
68 not exceed 7 per cent of the distribution company's peak load. The aggregate net metering  
69 capacity of net metering facilities of a municipality or other governmental entity shall not exceed  
70 8 per cent of the distribution company's peak load." and inserting in place thereof the following  
71 words:- "The aggregate net metering capacity of facilities that are not net metering facilities of a  
72 municipality or other governmental entity shall not exceed 12 per cent of the distribution  
73 company's peak load. The aggregate net metering capacity of net metering facilities of a  
74 municipality or other governmental entity shall not exceed 13 per cent of the distribution  
75 company's peak load."

76 SECTION 6. Chapter 25A, as so appearing, is hereby amended by inserting after section  
77 11I the following sections:-

78 Section 11J. For any solar incentive program created by the department of energy  
79 resources, under general law, session law, or other authority, the program shall include a  
80 mandatory portion of the incentive to equitably share the economic and environmental benefits  
81 of the program in communities facing barriers to access. This shall include low-income solar net  
82 metering facilities, as defined in section 138 of chapter 164, as well as rental housing or residents  
83 thereof. The department may, at its discretion, dedicate part of the incentive to resolve other  
84 barriers to equitable access to solar energy if such barriers are identified. The department shall  
85 also specify in program design its plans to reach communities whose primary language is not  
86 English.