

SENATE No. 2150

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 built and disturbed land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/13/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/13/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/13/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>2/24/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>

SENATE No. 2150

By Mr. Mark, a petition (accompanied by bill, Senate, No. 2150) of Paul W. Mark, Susan Williams Gifford, Carmine Lawrence Gentile, Jacob R. Oliveira and other members of the General Court for legislation to encourage solar development on built 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 built 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 is hereby amended in the definition of
2 “Class III net metering facility” by adding at the end thereof, the following words: “; provided
3 further, that a Class III net metering facility that is a solar net metering facility located on built
4 land may have a generating capacity of more than 1 megawatt but less than or equal to 5
5 megawatts.”

6 SECTION 2. Chapter 138 of the General Laws is hereby amended by adding the
7 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 built land that is not BioMap Core Habitat or Critical

11 Natural Landscape and is not and has not been forest or used for agriculture or zoned for
12 agriculture since January 1, 2012.

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

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

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

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

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

33 with the manufacturing of solar panels, and other solar development cost realities. By December
34 31, 2024 the administration shall either implement these changes for built land facilities or
35 provide its rationale for objecting to any that it does not implement.

36 Section 11C. The administration shall investigate and report on appropriate uses of
37 federal funds and funds held in the transitional escrow account, specifically funds transferred
38 pursuant to section 259 of chapter 268 of the acts of 2022 to the Transitional Escrow Fund
39 established in section 16 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98
40 of the acts of 2022, and any funds remaining in the federal COVID-19 response fund established
41 in section 2JJJJ of chapter 29 of the General Laws to encourage the equitable deployment of
42 solar facilities located on built land. The administration shall transmit the report to the executive
43 office of energy and environmental affairs, the house and senate chairs of the joint committee on
44 telecommunications, utilities & energy, and the chairs of the house and senate committees on
45 ways & means no later than December 31, 2024.

46 Section 11D. The administration shall create an incentive for roof repair or replacement
47 as part of a rooftop solar project if needed to make solar an economically sound choice, either as
48 a grant program or a feed in tariff via the SMART program, with priority and/or larger incentives
49 for buildings in rural and environmental justice communities. By December 31, 2024 the
50 administration shall either implement an incentive or provide its rationale for objecting to an
51 incentive.