

SENATE No. 1831

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>Carmine L. Gentile</i> | <i>13th Middlesex</i> | <i>1/25/2017</i> |
| <i>Jack Lewis</i> | <i>7th Middlesex</i> | <i>1/26/2017</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>1/26/2017</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/27/2017</i> |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> | <i>1/30/2017</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/30/2017</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> | <i>2/1/2017</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> | <i>2/1/2017</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> | <i>2/1/2017</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>2/1/2017</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>2/2/2017</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>2/2/2017</i> |
| <i>Michael F. Rush</i> | <i>Norfolk and Suffolk</i> | <i>2/2/2017</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> | <i>2/2/2017</i> |
| <i>Eileen M. Donoghue</i> | <i>First Middlesex</i> | <i>2/3/2017</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/3/2017</i> |
| <i>Linda Dorcena Forry</i> | <i>First Suffolk</i> | <i>2/3/2017</i> |

| | | |
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| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>2/3/2017</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>2/3/2017</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>2/3/2017</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/6/2017</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> | <i>5/4/2017</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>9/13/2017</i> |

SENATE No. 1831

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 1831) of Sonia Chang-Diaz, Carmine L. Gentile, Jack Lewis, James B. Eldridge and other members of the General Court for legislation relative to solar power in environmental justice and urban communities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 2014 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 percent of the statewide median or whose population is made
13 up 25 percent 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% 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
30 50% of the total capacity of the Generation Unit, unless otherwise allowed by the Department of
31 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 by inserting in the definition of "market net metering credit" by striking out the
36 following words:- "that credits shall only be allocated to an account of a municipality or
37 government entity." and inserting in place thereof the following words:- "that credits shall only
38 be allocated to an account of a municipality or government entity or low-income and
39 Environmental Justice households."

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

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

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

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

56 (m) Notwithstanding any provision of special or general law to the contrary, a community
57 shared solar net metering facility that allocates at least 50% of its credits to low income and EJ
58 households or the providers or residents of publicly-assisted housing under section 1 of chapter
59 40T or (3) entities primarily serving such persons shall receive credits equal to the excess
60 kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the
61 distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where
62 the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour
63 charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include
64 the demand side management and renewable energy kilowatt-hour charges set forth in sections
65 19 and 20 of chapter 25.

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

77 SECTION 6. Chapter 25A, as appearing in the 2014 Official Edition, is hereby amended
78 by inserting after section 11I the following sections:-

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