

HOUSE No. 2877

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 equity in low-income and environmental justice communities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|--------------------------------|
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Diana DiZoglio</i> | <i>First Essex</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> |

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|--------------------------|---------------------------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |

HOUSE No. 2877

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 2877) of Russell E. Holmes and others relative to solar power equity in low-income and environmental justice communities. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3396 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to solar power equity in low-income and environmental justice 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 so appearing, is hereby amended by inserting
2 after the definition of "Class III net metering facility" the following definition:

3 "Community shared solar net metering facility", a solar net metering facility with three or
4 more eligible recipients of credits, provided that (1) no more than 50% of the net metering
5 credits produced by the facility are allocated to any one recipient, (2) no more than three
6 recipients may receive net metering credits in excess of those produced annually by 25 kW of
7 nameplate AC capacity and the combined share of said participants' capacity shall not exceed
8 50% of the total capacity of the Generation Unit, unless otherwise allowed by the Department of
9 Energy Resources, and (3) the recipients have an interest in the production of the facility or the

10 entity that owns the facility, in the form of formal ownership, a lease agreement, or a net
11 metering allocation agreement.

12 SECTION 2. Section 138 of chapter 164, is further amended by inserting after the
13 definition of “customer” the following definitions:

14 “Low-income and Environmental Justice Households”, includes (1) are low-income
15 households as defined under section 1 of chapter 40T and (2) households within Environmental
16 Justice populations

17 “Environmental Justice” means the right to be protected from environmental pollution
18 and to live in and enjoy a clean and healthful environment regardless of race, income, national
19 origin or English language proficiency. Environmental justice shall include the equal protection
20 and meaningful involvement of all people with respect to the development, implementation, and
21 enforcement of environmental laws, regulations, and policies and the equitable distribution of
22 environmental benefits.

23 "Environmental Justice Household," includes households within Environmental Justice
24 Populations.

25 "Environmental Justice Population," a neighborhood whose annual median household
26 income is equal to or less than 65 percent of the statewide median or whose population is made
27 up 25 percent minority or lacking English language proficiency or as determined by the
28 Executive Office of Energy and Environmental Affairs pursuant to Executive Order 552.

29 “Low income solar net metering facility”, a solar net metering facility that allocates all of
30 its output and net metering credits to (1) the providers or residents of publicly-assisted housing

31 under section 1 of chapter 40T or (2) low income and environmental justice households; or (3)
32 entities primarily serving such persons. The Department of Energy Resources may establish an
33 alternate minimum threshold or thresholds for allocation of output and net metering credits to
34 determine project eligibility if the Department determines a lower threshold is necessary in order
35 to facilitate economic viability of low-income solar net metering facilities or to deliver
36 meaningful economic benefit to recipients.

37 SECTION 3. Said section 138 of said chapter 164, as so appearing, is hereby further
38 amended by inserting in the definition of “market net metering credit” by striking out the
39 following words:-“that credits shall only be allocated to an account of a municipality or
40 government entity.” and inserting in place thereof the following words:- “that credits shall only
41 be allocated to an account of a municipality or government entity or low-income and
42 Environmental Justice households.”

43 SECTION 4. Said section 138 of said chapter 164, as so appearing, is hereby further
44 amended by inserting in the definition of "Net metering facility of a municipality or other
45 governmental entity" by striking out the following words:- “or (2) of which the municipality or
46 other governmental entity is assigned 100 per cent of the output.” and inserting in place thereof
47 the following words:- “or (2) of which the municipality, other governmental entity, or low
48 income or environmental justice households are assigned 100 per cent of the output.”

49 SECTION 5. Section 139 of said chapter 164, as so appearing, is hereby further amended
50 by adding the following subsections:-

51 (l) Notwithstanding any provision of special or general law to the contrary, a low income
52 solar net metering facility shall receive credits equal to the excess kilowatt-hours by time of use

53 billing period, if applicable, multiplied by the sum of the distribution company's: (i) default
54 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii)
55 distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition
56 kilowatt-hour charge; provided, however, that this shall not include the demand side
57 management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of
58 chapter 25.

59 (m) Notwithstanding any provision of special or general law to the contrary, a community
60 shared solar net metering facility that allocates at least 50% of its credits to low income and EJ
61 households or the providers or residents of publicly-assisted housing under section 1 of chapter
62 40T or (3) entities primarily serving such persons shall receive credits equal to the excess
63 kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the
64 distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where
65 the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour
66 charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include
67 the demand side management and renewable energy kilowatt-hour charges set forth in sections
68 19 and 20 of chapter 25.

69 SECTION 6. Said section 139 of said chapter 164, as so appearing, is hereby amended by
70 striking out in subsection (f) the following words:- “The aggregate net metering capacity of
71 facilities that are not net metering facilities of a municipality or other governmental entity shall
72 not exceed 7 per cent of the distribution company's peak load. The aggregate net metering
73 capacity of net metering facilities of a municipality or other governmental entity shall not exceed
74 8 per cent of the distribution company's peak load.” and inserting in place thereof the following
75 words:- “The aggregate net metering capacity of facilities that are not net metering facilities of a

76 municipality or other governmental entity shall not exceed 12 per cent of the distribution
77 company's peak load. The aggregate net metering capacity of net metering facilities of a
78 municipality or other governmental entity shall not exceed 13 per cent of the distribution
79 company's peak load.”

80 SECTION 7. Chapter 25A of the General Laws is hereby amended by inserting after
81 section 11I the following sections:-

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