

SENATE No. 2142

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>2/24/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/1/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/16/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/1/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>5/12/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/20/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/28/2022</i>

SENATE No. 2142

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 2142) of Sonia Chang-Diaz, Jack Patrick Lewis, Elizabeth A. Malia, Patrick M. O'Connor and others 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 Ninety-Second General Court
(2021-2022)**

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 principles”, principles that support protection from environmental
6 pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race,
7 color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or
8 ancestry, religious belief or English language proficiency, which includes: (i) the meaningful
9 involvement of all people with respect to the development, implementation and enforcement of
10 environmental laws, regulations and policies, including climate change policies; and (ii) the
11 equitable distribution of energy and environmental benefits and environmental burdens.

12 "Environmental Justice Population", a neighborhood that meets 1 or more of the
13 following criteria: (i) the annual median household income is not more than 65 per cent of the
14 statewide annual median household income; (ii) minorities comprise 40 per cent or more of the
15 population; (iii) 25 per cent or more of households lack English language proficiency; or (iv)
16 minorities comprise 25 per cent or more of the population and the annual median household
17 income of the municipality in which the neighborhood is located does not exceed 150 per cent of
18 the statewide annual median household income; provided, however, that for a neighborhood that
19 does not meet said criteria, but a geographic portion of that neighborhood meets at least 1
20 criterion, the secretary may designate that geographic portion as an environmental justice
21 population upon the petition of at least 10 residents of the geographic portion of that
22 neighborhood meeting any such criteria; provided further, that the secretary may determine that a
23 neighborhood, including any geographic portion thereof, shall not be designated an
24 environmental justice population upon finding that: (A) the annual median household income of
25 that neighborhood is greater than 125 per cent of the statewide median household income; (B) a
26 majority of persons age 25 and older in that neighborhood have a college education; (C) the
27 neighborhood does not bear an unfair burden of environmental pollution; and (D) the
28 neighborhood has more than limited access to natural resources, including open spaces and water
29 resources, playgrounds and other constructed outdoor recreational facilities and venues.

30 "Environmental Justice Household", includes households within Environmental Justice
31 Populations.

32 "Low income solar net metering facility", a solar net metering facility that allocates all of
33 its output and net metering credits to low income and environmental justice households. The
34 department of public utilities may establish an alternate minimum threshold or thresholds for

35 allocation of output and net metering credits to determine project eligibility if the department
36 determines a lower threshold is necessary in order to facilitate economic viability of low-income
37 solar net metering facilities or to deliver meaningful economic benefit to recipients.

38 "Community shared solar net metering facility", a solar net metering facility with three or
39 more eligible recipients of credits, provided that (1) no more than 50 per cent of the net metering
40 credits produced by the facility are allocated to any one recipient, (2) no more than three
41 recipients may receive net metering credits in excess of those produced annually by 25 kW of
42 nameplate AC capacity and the combined share of said participants' capacity shall not exceed 50
43 per cent of the total capacity of the Generation Unit, unless otherwise allowed by the department
44 of public utilities, and (3) the recipients have an interest in the production of the facility or the
45 entity that owns the facility, in the form of formal ownership, a lease agreement, or a net
46 metering allocation agreement.

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

52 SECTION 3. Said section 138 of said chapter 164, as so appearing, is hereby further
53 amended in the definition of "Net metering facility of a municipality or other governmental
54 entity" by striking out the following words:- "or (2) of which the municipality or other
55 governmental entity is assigned 100 per cent of the output." and inserting in place thereof the

56 following words:- "or (2) of which the municipality, other governmental entity, or low income or
57 environmental justice households are assigned 100 per cent of the output."

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

60 (l) Notwithstanding any provision of special or general law to the contrary, a low income
61 solar net metering facility shall receive credits equal to the excess kilowatt-hours by time of use
62 billing period, if applicable, multiplied by the sum of the distribution company's: (i) default
63 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii)
64 distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition
65 kilowatt-hour charge; provided, however, that this shall not include the demand side
66 management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of
67 chapter 25.

68 (m) Notwithstanding any provision of special or general law to the contrary, a community
69 shared solar net metering facility that allocates at least 50 per cent of its credits to low income
70 and environmental justice households shall receive credits equal to the excess kilowatt-hours by
71 time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i)
72 default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii)
73 distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition
74 kilowatt-hour charge; provided, however, that this shall not include the demand side
75 management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of
76 chapter 25.

77 SECTION 5. Said section 139 of said chapter 164, as so appearing, is hereby amended by
78 striking out in subsection (f) the following words:- "The aggregate net metering capacity of
79 facilities that are not net metering facilities of a municipality or other governmental entity shall
80 not exceed 7 per cent of the distribution company's peak load. The aggregate net metering
81 capacity of net metering facilities of a municipality or other governmental entity shall not exceed
82 8 per cent of the distribution company's peak load." and inserting in place thereof the following
83 words:- "The aggregate net metering capacity of facilities that are not net metering facilities of a
84 municipality or other governmental entity shall not exceed 12 per cent of the distribution
85 company's peak load. The aggregate net metering capacity of net metering facilities of a
86 municipality or other governmental entity shall not exceed 13 per cent of the distribution
87 company's peak load."