

**SENATE . . . . . No. 2150**

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**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>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/16/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>3/23/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>5/1/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>7/20/2023</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>11/8/2023</i>

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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.

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**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.