SENATE DOCKET, NO. 1985 FILED ON: 1/17/2025

SENATE . . . . . No. 2296

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:	
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*	
Lydia Edwards	*Third Suffolk*	*4/1/2025*
John R. Gaskey	*2nd Plymouth*	*9/10/2025*
James B. Eldridge	*Middlesex and Worcester*	*9/26/2025*

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SENATE . . . . . No. 2296

By Mr. Mark, a petition (accompanied by bill, Senate, No. 2296) of Paul W. Mark for legislation to encourage solar development on built and disturbed land. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2150* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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:

SECTION 1. Section 138 of Chapter 164 of the General Laws is hereby amended in the definition of "Class III net metering facility" by adding at the end thereof the following words: "; provided further, that a Class III net metering facility that is a solar net metering facility located on built land may have a generating capacity of more than 1 megawatt but less than or equal to 5 megawatts."

SECTION 2. Section 138 of Chapter 164 of the General Laws is hereby amended by adding the following definitions:

"Disturbed land", land containing pavement, compacted urban soils, gravel pits, junkyards, abandoned dumping grounds, and other land that is barren of native plant growth due

10 to human activity before January 1, 2024, and land that is part of a parcel containing a building
11 and is not and has not been forest or tree covered or used for agriculture or zoned for agriculture
12 since January 1, 2012.

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

15 SECTION 3. Section 139(i) of Chapter 164 of the General Laws, as amended by Chapter
16 8 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
25 of 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
28 include in the solar incentive program established in section 11 and in any successor solar
29 incentive program, additional adders for solar facilities located on built land, including parking
30 lot canopies, and remove declining incentive blocks for solar facilities located on built land. The
31 Department of Energy Resources shall promulgate regulations that allow adjustment of

32 incentives for solar energy based on market conditions for energy, labor, steel, other materials
33 associated with the manufacturing of solar panels, and other solar development cost realities. By
34 December 31, 2025, the Department of Energy Resources and the Department of Public Utilities
35 shall finalize these changes for built land.

36 Section 11C. The executive office of environmental affairs shall investigate and report on
37 appropriate uses of federal funds and funds held in the transitional escrow account, specifically
38 funds transferred pursuant to section 259 of chapter 268 of the acts of 2022 to the Transitional
39 Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended by section 4
40 of chapter 98 of the acts of 2022, and any funds remaining in the federal COVID-19 response
41 fund established in section 2JJJJ of chapter 29 of the General Laws to encourage the equitable
42 deployment of solar facilities located on built land. The executive office of energy and
43 environmental affairs shall transmit the report to the house and senate chairs of the joint
44 committee on telecommunications, utilities and energy, and the chairs of the house and senate
45 committees on ways and means no later than December 31, 2025.

46 Section 11D. The Massachusetts Clean Energy Center shall create an incentive for roof
47 repair or replacement as part of a rooftop solar project if needed to make solar an economically
48 sound choice, either as a grant program or a feed in tariff via the solar incentive program
49 established in section 11 and in any successor solar incentive program, with priority for buildings
50 in environmental justice communities. By December 31, 2025 the Massachusetts Clean Energy
51 Center shall implement an incentive.

52 SECTION 5. By December 31, 2025 the Department of Public Utilities shall implement
53 SECTION 3.