

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3472

TITLE: An Act relative to reasonable municipal expense reimbursement

SPONSOR: Representative Michael S. Day

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: June 12, 2025

PRIOR HISTORY: 2023-2024: Similar matter H.3687 heard by Committee; accompanied a study order, see H4778.
2021-2022: H.3286 heard by Committee; reported favorably to House Ways & Means; no further action taken.
2019-2020: H.2834 (with different title, “An Act relative to reasonable municipal expenses”) heard by Committee; accompanied a study order, see H.4405.
2017-2018: H.1737 heard by Committee; accompanied study order H.4651.

CURRENT LAW:

Section 69H of Chapter 164 of the General Laws, as recently amended by Section 60 of Chapter 239 of the Acts of 2024, establishes an Energy Facilities Siting Board (EFSB) – an independent state board that reviews proposed large clean energy infrastructure facilities, small clean energy infrastructure facilities, facilities, and oil facilities. To obtain EFSB approval, a proposed facility must demonstrate that it would:

- (i) provide a reliable, resilient and clean supply of energy consistent with the commonwealth’s climate change and greenhouse gas reduction policies and requirements;
- (ii) ensure that large clean energy infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental impacts and negative health impacts to the extent practicable;
- (iii) ensure that large clean energy infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are, to the extent practicable, in compliance with energy, environmental, land use, labor, economic justice, environmental justice and equity and public health and safety policies of the commonwealth, its subdivisions and its municipalities; and
- (iv) ensure large clean energy infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are constructed in a manner that avoids or minimizes costs.

Section 17 of Chapter 239 of the Acts of 2024 establishes a new division of clean energy siting and permitting at DOER to provide technical support and assistance to local governments.

Sections 18 – 19 of said session law amend DOER’s powers and duties to add new authority to promulgate regulations, guidelines, and standard conditions that establish parameters for the siting, zoning, review, and permitting of small clean energy infrastructure by local government. Section 23 establishes parameters for DOER’s creation of statewide standards pertaining to local siting, review, and permitting of clean energy infrastructure, including opportunities for support available to local communities. The consolidated permit application submitted pursuant to this section is required to include certain workforce development certification and disclosures. If a local government lacks the resources, capacity, or staffing to review a small clean energy infrastructure facility permit application within 12 months, the local government may, not less than 60 days after receipt of the application, request (in writing) a de novo adjudication of such application.

Section 23 also defines the following terms:

“Small clean energy infrastructure facility”, a small clean energy generation facility (under 25 MW), small clean energy storage facility (under 100 MWh) or small clean transmission and distribution infrastructure facility.

“Large clean energy infrastructure facility”, a large clean energy generation facility (equal to or greater than 25 MW), large clean energy storage facility (equal to or greater than 100 MWh) or large clean transmission and distribution infrastructure facility.

SUMMARY:

This bill adds new clause (v) at the end of Section 69H to require the EFSB to consider the requests of municipalities for reimbursement of expenses related to an application to the EFSB. It further directs the EFSB to assess fees on applicants for reasonable, application-related municipal expenses.