

HOUSE No. 3520

The Commonwealth of Massachusetts

PRESENTED BY:

Jack Patrick Lewis

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 facilitating distributed energy resources in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/17/2025</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/5/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/5/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/5/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/12/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/12/2025</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>3/12/2025</i>

HOUSE No. 3520

By Representative Lewis of Framingham, a petition (accompanied by bill, House, No. 3520) of Jack Patrick Lewis and others relative to distributed energy resources in the commonwealth. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act facilitating distributed energy resources in the commonwealth.

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 1 of chapter 40 of the General Laws is hereby amended by inserting
2 after section 1B the following section:-

3 Section 1C. “Smart Residential Solar Permitting Platform”, software or a combination of
4 software that automates plan review, automatically produces code-compliant approvals, accepts
5 online payments for permitting fees if permitting fees are levied, and instantly issues permits and
6 permit revisions for residential photovoltaic systems upon online submission of permitting fee
7 payments, if permitting fees are levied, and a code-compliant application. The Smart Residential
8 Solar Permitting Platform shall be available for solar photovoltaic systems up to the maximum
9 capacity allowed with a 200-amp main service disconnect that provides electrical power to a one-
10 or two-family dwelling, and that may include an energy storage system, a main panel upgrade, or
11 a main breaker derate.

SECTION 2. Said chapter 40 is hereby amended by inserting after section 69 the following sections:-

Section 70.

(a) Not later than July 1, 2027, the Permit Granting Authority shall allow for electronic submission of the permit application and associated documentation for the installation of a residential solar photovoltaic system, that may include an energy storage system, a main panel upgrade, and/or a main breaker derate. All required permitting documentation and forms shall be published on the Permit Granting Authority's publicly accessible internet website. The Permit Granting Authority shall authorize an electronic signature for the permit application and other documentation in lieu of a wet signature by an applicant. Electronic submission, including online payment of associated permitting fees, shall be offered through either an online portal available on the website of the Permit Granting Authority or via electronic mail to a dedicated account that shall be capable of receiving permit applications.

(b) Upon submission of required permit application documents, the application shall be deemed complete if, after five business days have elapsed, the Permit Granting Authority has not issued a written correction notice detailing all deficiencies in the application and identifying additional information explicitly necessary for the Permit Granting Authority to complete a review.

(c) An application shall be deemed approved and the applicant may begin installation if ten business days after the application was deemed complete has elapsed and the following are true:

(1) the Permit Granting Authority has not administratively approved the application.

(2) the Permit Granting Authority has not denied the permit.

(e) A Permit Granting Authority may use a Smart Residential Solar Permitting Platform to satisfy the requirements of this section. An applicant may begin installation after the issuance of a permit from the platform.

Section 71.

(a) Not later than July 1, 2027, the Permit Granting Authority for a municipality with a population greater than 5,000 people, that is not exempt pursuant to paragraph (f), shall implement a Smart Residential Solar Permitting Platform. The Permit Granting Authority shall anticipate that the Smart Residential Solar Permitting Platform will have the capability to process at least 75 percent of residential solar applications on existing construction submitted to municipalities in the Commonwealth of Massachusetts.

(b) Municipalities that adopt a Smart Residential Solar Permitting Platform pursuant to subsection (a) shall, for a solar photovoltaic system approved by such a platform, not require manual review at any time during the permitting and inspection processes, including but not limited to, before issuing a permit or before conducting or finalizing the inspection.

(c) Subsection (b) does not preclude an inspector from examining construction documents.

(d) (1) Municipalities shall submit compliance reports to the Massachusetts Department of Energy Resources when the municipality is in compliance with subsection (a). The reports shall be submitted within 60 days of the municipality becoming compliant with subsection (a). The Massachusetts Department of Energy Resources may set guidelines for these reports.

(2) If the municipality has a resolution or ordinance in effect pursuant to subsection (f), the report shall include the resolution or ordinance.

(3) If the municipality does not have a resolution or ordinance in effect pursuant to subsection (f), the report shall include:

(i) Date of compliance;

(ii) Software used for compliance;

(iii) Confirmation that the municipality is:

(A) using a Smart Residential Solar Permitting Platform to issue permits instantly and issue permit revisions instantly for residential solar photovoltaic systems; and

(B) not requiring manual review at any time during the permitting and inspection processes, including but not limited to, before issuing a permit or before conducting or finalizing the inspection for solar photovoltaic systems approved by the Smart Residential Solar Permitting Platform.

(iv) Explanation for why the municipality anticipates the Smart Residential Solar Permitting Platform has the capability to process at least 75 percent of the residential solar photovoltaic permit applications on existing construction submitted to municipalities in the commonwealth.

(A) Municipalities may provide explanations that are based on, but are not necessarily limited to, statements from the provider of the Smart Residential Solar Permitting Platform.

(4) The Massachusetts Department of Energy Resources may determine if the municipality's report of compliance is accurate, may make the findings publicly available, and may take action at the Massachusetts Department of Energy Resources' discretion to encourage and enforce compliance with subsection (a).

(e) (1) Municipalities shall submit annual reports to the Massachusetts Department of Energy Resources on the usage of the Smart Residential Solar Permitting Platform. Municipalities shall annually report to the Massachusetts Department of Energy Resources by April 1st each year, covering the previous calendar year, starting on April 1, 2028. This annual reporting requirement shall become inoperative on April 2, 2037. The Massachusetts Department of Energy Resources may set guidelines for these reports.

(2) If the municipality has a resolution or ordinance in effect pursuant to subparagraph (f), the report shall include the resolution or ordinance.

(3) If the municipality does not have a resolution or ordinance in effect pursuant to subparagraph (f), the report shall include:

(i) Number of permits issued through the Smart Residential Solar Permitting Platform and relevant characteristics of those systems;

(ii) Number of residential photovoltaic solar permits issued by means other than the Smart Residential Solar Permitting Platform and relevant characteristics of those systems;

(iii) Software used for compliance;

(iv) Confirmation that the municipality is:

(A) using a Smart Residential Solar Permitting Platform to issue permits instantly and issue permit revisions instantly for residential solar photovoltaic systems; and

(B) not requiring manual review at any time during the permitting and inspection processes, including but not limited to, before issuing a permit or before conducting or finalizing the inspection for permits and permit revisions issued by the Smart Residential Solar Permitting Platform.

(v) Plan to increase usage of the Smart Residential Solar Permitting Platform if fewer than 75 percent of residential solar photovoltaic permits are issued through the Smart Residential Solar Permitting Platform on existing construction.

(4) The Massachusetts Department of Energy Resources may determine if the municipality's report of compliance is accurate, may make the findings publicly available, and may take action at the Massachusetts Department of Energy Resources' discretion to encourage and enforce compliance with subsection (a).

(f) (1) The Permit Granting Authority for a municipality with a population greater than 5,000 people is exempt from paragraph (a) if the aforementioned municipality makes a written finding and adopts a resolution or ordinance. The resolution or ordinance shall stay in effect for no more than one year. Within the last three months of the effective end date for the resolution or ordinance, the municipality may adopt an additional resolution or ordinance to extend the exemption from paragraph (a) for an additional year. The municipality may continue to adopt resolutions or ordinances extending the exemption for an additional year so long as each resolution or ordinance is adopted within the last three months of the effective end date of the resolution or ordinance.

(2) Each resolution or ordinance adopted pursuant to this subdivision shall include both of the following:

(i) A determination that the Permit Granting Authority is unable to adopt a Smart Residential Solar Permitting Platform due to unique technical, climactic, geological, seismological, or topographical conditions, including a description of those unique conditions.

(ii) A plan for the Permit Granting Authority to approve all residential photovoltaic permit applications or issue a written correction notice within five business days. The plan shall include the time it has taken for the Permit Granting Authority to approve residential photovoltaic permit applications or issue written correction notices in the past year, and, if the Permit Granting Authority has previously taken more than five business days to approve a residential solar photovoltaic permit application or issue a written correction notice in the past year, an explanation of how the plan would address the delays.

(g) A municipality shall self-certify its compliance with this section when applying for funding from the Massachusetts Department of Energy Resources after the applicable date in subdivision (a). Municipalities that fail to comply with this section may be ineligible for funding opportunities offered by the Massachusetts Department of Energy Resources. The Massachusetts Department of Energy Resources may, at its sole discretion, condition or deny a municipality or county direct funding from any of its programs if the municipality is not in compliance with this section.

Section 71.

(a) On or before July 1, 2027, municipalities with a population of more than 5,000 residents shall provide an option for remote inspections via recorded video or photo that can be

submitted electronically for projects permitted by the Smart Residential Solar Permitting Platform. These inspections shall be offered at no greater cost, and shall be available with no greater delay, than in-person inspections.

(b) Municipalities shall require no more than one inspection for projects permitted by the Smart Residential Solar Permitting Platform unless the first inspection was failed.

(c) An electric distribution company shall not require inspections additional to the inspection performed by the Permit Granting Authority by the electric distribution company or any other entity as a precondition to granting the customer permission to operate.

SECTION 3. Section 6 of chapter 62 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) any owner or tenant of residential property located in the commonwealth who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to 15 per cent of the net expenditure for a renewable energy source property or seven thousand five hundred dollars, whichever is lesser; provided, however, that in the case of a newly constructed residence the credit shall be available to the original owner/occupant. Any taxpayer entitled to this credit for any taxable year, the amount of which exceeds his total tax due for the then current taxable year, may carry over the excess amount, as reduced from year to year, and apply it to his tax liability for any one or more of the next succeeding three taxable years; provided, however, that in no taxable year may the amount of the credit allowed exceed the total tax due of the taxpayer for the relevant taxable year. For taxable years beginning on or after January first, two thousand twenty-seven, if the amount of the credit

allowable under this subsection shall exceed the taxpayer's tax liability for such year, and the taxpayer meets the definition of low to moderate income, as defined in section 38d of chapter 121b in the general laws, or resides in an environmental justice population, as defined in section 62 of chapter 30 of the general laws, the excess shall be treated as an overpayment of tax to be credited or refunded, provided, however, that no interest shall be paid thereon. Joint owners of a residential property shall share any credit available to the property under this subsection in the same proportion as their ownership interest.

SECTION 4. Section 6 of chapter 25A of the General Laws, as so appearing, is hereby amended inserting after subsection (14) the following subsection:-

(15) develop and promulgate, in consultation with the state board of building regulation and standards, the department of transportation, and local zoning and planning boards, a requirement that parking lots 16,000 square feet or larger which are constructed or significantly renovated on or after January 1, 2028 must install a solar canopy. The department may establish exemption criteria from the requirements of this section. Such criteria may include insufficient solar energy generating potential and the installation of a solar energy system elsewhere on the property. The department may allow exemptions from the requirements of this section for affordable housing developments, after consulting with affordable housing developers and operators, community development corporations, organizations that represent affordable housing residents, and other stakeholders.

SECTION 5. Chapter 164 of the General Laws is hereby amended by inserting after section 1K the following section:-

Section 1L.

(1) For the purposes of climate resiliency and mitigation, reliability, and encouragement of installation of distributed electricity generation and storage capacity, no right to exclusive service or franchise established within Section 1B or elsewhere in this chapter shall prevent a municipality, or agencies of the commonwealth or private electric customers in coordination with a municipality, within an electric or gas company's service territory, from:

(i) establishing an energy microgrid or district energy system;

(ii) sharing electric generation or storage resources among facilities that are contiguous and owned by the same utility customer, irrespective of the number of electric meters installed at such facilities; or

(iii) using public rights of way to conduct electrical conduit or other energy resources point to point where the municipality deems there is benefit from sharing energy resources.

SECTION 6. Chapter 164 of the General Laws is hereby amended by inserting after section 142, as so appearing, the following new section:-

Section 142A.

(1) The Department shall direct each electric distribution company to update their interconnection tariff to require a process to determine whether a project application being considered for interconnection within a Group Study has sufficient available hosting capacity when considered as an individual project, and to grant Interconnection Service Agreements to those projects with sufficient hosting capacity.

(2) An inverter-based generating facility with a generating capacity of 25 kW or less shall be allowed to apply for interconnection under the simplified interconnection process established

by the Department. The Department shall direct the distribution companies to file updated tariffs no later than 180 days after this act is enacted. The distribution companies shall impose no study or transformer fees for behind-the-meter simplified interconnection applications of less than 25 kilowatts.

(3) The Department shall develop, in consultation with the electric distribution companies, a common application for interconnection to the distribution grid, regardless of compensation type or program.

SECTION 7. Section 6 of chapter 64H of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out subsection (dd) and inserting in place thereof the following subsection:-

(dd) Sales of equipment directly relating to any solar, energy storage, windpowered; or heat pump system, which is being utilized as a primary or auxiliary power system for the purpose of heating or otherwise supplying energy needs in the commonwealth.

SECTION 8. Section 139 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in lines 137 and 138, the words, “that are not net metering facilities of a municipality or other governmental entity.”

SECTION 9. Said section 139 of said chapter 164, as so appearing, is hereby further amended by striking out, in lines 145 and 146, the words, “in the second sentence by striking the words “that are not net metering facilities of a municipality or other governmental entity.”