HB 1563-LOCAL - AS INTRODUCED

2018 SESSION

18-2175
05/10

HOUSE BILL ***1563-LOCAL***

AN ACT relative to taxation of solar energy systems.

SPONSORS: Rep. Oxenham, Sull. 1; Rep. Shepardson, Ches. 10

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill permits the owner of property equipped with a solar energy system to either pay the property tax on the assessed value of the property equipped with the solar array system or make a payment in lieu of taxes of a specified amount for that portion equipped with the solar energy system.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2175
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to taxation of solar energy systems.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Payment In Lieu of Taxes for Solar Energy Systems. Amend RSA 72 by inserting after section 64 the following new subdivision:

Payment In Lieu of Taxes for Solar Energy Systems

72:64-a Optional Payment In Lieu of Taxes for Solar Energy Systems.

I. This section shall apply to any municipality that does not offer an exemption from assessed value for real property equipped with a solar energy system pursuant to RSA 72:61 through RSA 72:64.

II. A solar energy system shall be taxed as real estate in the municipality in which such property is situated. The assessed value of the solar energy system shall be determined by the local assessing authority. In making its determination, the local assessing authority may inspect the solar energy system and request such other information from the solar energy system owner as may be reasonably necessary to assist it in making its determination. The taxing authority shall each year separately appraise and describe the solar energy system and related real estate and include such appraisal and description in its inventory.

III. The municipality shall offer solar energy system owner the option of either:

(a) Paying the tax due under this chapter based on the assessed value of the property equipped with the solar energy system; or

(b) Making a payment in lieu of taxes for the solar energy system, as determined by the local assessing authority; provided that the payment in lieu of taxes shall not exceed $5 per kilowatt based on the solar energy system's AC capacity rating. The payment in lieu of taxes shall be in addition to any tax due on the real property, excluding valuation of the solar energy system.

IV. In this subdivision:

(a) "Solar energy system" shall have the same meaning as in RSA 72:61.

(b) The owner of a solar energy system shall include a person who is a lessee of the real property on which the system is situated.

2 Appraisal of Property with Solar Energy System. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying

historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, ***that portion of property equipped with a solar energy system for which the owner has elected to make a payment in lieu of taxes pursuant to RSA 72:64-a,*** telecommunications poles and conduits pursuant to RSA 72:8-c, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

3 Effective Date. This act shall take effect April 1, 2018.