CHAPTER 166
SB 161 - FINAL VERSION

02/09/2023 0411s
4May2023... 1346h

2023 SESSION

23-0804
10/08

SENATE BILL ***161***

AN ACT relative to low-moderate income community solar projects.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Altschiller, Dist 24; Rep. McWilliams, Merr. 30; Rep. Muns, C, Rock. 29; Rep. Preece, Hills. 17

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill allows certain public housing authority projects to qualify for low-moderate income community solar projects.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 166
SB 161 - FINAL VERSION

02/09/2023 0411s
4May2023... 1346h

23-0804
10/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to low-moderate income community solar projects.

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

166:1 Department of Energy; Community Solar Projects. Amend RSA 362-A:9, XIV(e) and (f) to read as follows:

(e) [~~Within 90 days of the effective date of this subparagraph,~~] The department of energy***, by rule or order,*** shall develop a process by which community solar developers can apply for designation as a community solar project. Such projects designate their production for the benefit of households on the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-moderate income homeowners. Annually, the number of projects designated as low-moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts in the aggregate. If more than 6 megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit.

(f) Each year, the department of energy, in consultation with the electric distribution utilities, shall***, by rule or order,*** select a means by which to enroll households as off-takers for these low-moderate income community solar projects. Customers shall be enrolled on an opt-out basis, notified by mail of their enrollment, and informed of the details of the project from which they are receiving credit. Once enrolled, such customers shall receive on-bill credits until such time as they no longer qualify for the Electric Assistance Program, or until they opt out from receiving credits.

166:2 Electric Renewable Portfolio Standard; Definition; Low-moderate Income Community Solar Project. Amend RSA 362-F:2, X-a to read as follows:

X-a. "Low-moderate income community solar project" means ground-mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority of the residential end-user customers are at or below 300 percent of the federal poverty guidelines***, or directly benefit the residents of a public housing authority created pursuant to RSA 203 or a housing project as described in RSA 78-B:2, XXIII, where the electric bills are either paid directly by the residents or by the public housing authority or housing project, provided that at least a majority of the residents receiving the direct benefit are at or below 80 percent of the Area Median Income (AMI) calculated by the Department of Housing and Urban Development***. No more than 15 percent of the projected load for such project shall be attributable to non-residential end-user customers.

166:3 Renewable Energy Fund; Public Housing Authority Projects. Amend RSA 362-F:10, X to read as follows:

X. Consistent with RSA 362-F:10, VI, the department of energy shall, over each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended, allocated, or obligated from the

fund, net of administrative expenditures, between residential and nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects in the residential sector shall be in approximate proportion to the amount of electricity sold at retail to that sector in New Hampshire, and the remaining funds from the renewable energy fund shall be awarded to projects in the nonresidential sector which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire, provided no less than 15 percent of the funds shall annually benefit*:*

(a) Low-moderate income residential customers, including, but not limited to, the financing or leveraging of financing for low-moderate income community solar projects in manufactured housing communities or in multi-family rental housing.

(b) Residents of a public housing authority created pursuant to RSA 203, or a housing project as described in RSA 78-B:2, XXIII, where the electric bills are either paid directly by the residents or by the public housing authority or housing project, provided that at least a majority of the residents benefiting are at or below 80 percent of the Area Median Income (AMI) calculated by the Department of Housing and Urban Development.

166:4 Effective Date.

I. Sections 2 and 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

Approved: July 28, 2023
Effective Date:
I. Section 2 & 3 effective September 26, 2023
II. Remainder effective July 28, 2023