

HOUSE BILL 827

C5, M5
HB 1046/24 – ECM

5lr0808
CF 5lr0809

By: **Delegates Clippinger, Charkoudian, and Fraser-Hidalgo**

Introduced and read first time: January 29, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Solar Energy – Distributed Generation Certificate of Public Convenience and**
3 **Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup**

4 FOR the purpose of establishing a distributed generation certificate of public convenience
5 and necessity to authorize the construction and operation of a certain distributed
6 solar energy generating system; requiring the Power Plant Research Program, by a
7 certain date, to develop and submit to the Public Service Commission proposed siting
8 and design requirements and licensing conditions; prohibiting a person from
9 beginning construction of a distributed solar energy generating system unless a
10 distributed generation certificate of public convenience and necessity or certificate of
11 public convenience and necessity is first obtained from the Commission; prohibiting
12 a county from enacting zoning laws or adopting regulations restricting or prohibiting
13 the construction or operation of certain ground-mounted solar systems and facilities;
14 establishing a Small Solar Siting Workgroup to review, determine, and make
15 recommendations regarding certain best practices and statewide model policies for
16 certain solar energy generating systems; and generally relating to solar energy.

17 BY repealing and reenacting, with amendments,
18 Article – Natural Resources
19 Section 3–306(a)(1)
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Utilities
24 Section 7–207(b)(1)(i) and (ii) and 7–207.1(c)(1)
25 Annotated Code of Maryland
26 (2020 Replacement Volume and 2024 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Public Utilities

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7–207(h)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY adding to
Article – Public Utilities
Section 7–207.4
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

Preamble

WHEREAS, The State has set aggressive minimum renewable energy requirements, recognizing that a shift toward sustainable energy sources is crucial for the health of our planet and the well-being of future generations; and

WHEREAS, The State has committed to reducing greenhouse gas emissions by 60% from 2006 levels, reflecting a proactive stance in the global effort to combat climate change; and

WHEREAS, Distributed solar energy generation is an essential component of meeting these aggressive policies, offering both economic opportunities and environmental benefits; and

WHEREAS, The General Assembly finds that an efficient permitting process for distributed solar energy generating stations with consistency across jurisdictions is necessary to meet the State’s renewable energy and greenhouse gas reduction commitments and can be structured to preserve farmland and forests; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Natural Resources

3–306.

(a) (1) Notwithstanding anything to the contrary in this article or the Public Utilities Article, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction **IN ACCORDANCE WITH § 7–207 OF THE PUBLIC UTILITIES ARTICLE**, the Commission shall notify immediately the Department [of Natural Resources] and the Department of the Environment of the application.

Article – Public Utilities

7–207.

(b) (1) (i) [Unless] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNLESS** a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or
2. a qualified generator lead line.

(ii) [If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section.] **A PERSON IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER THIS SECTION IF THE PERSON OBTAINS:**

1. COMMISSION APPROVAL FOR CONSTRUCTION UNDER § 7–207.1 OF THIS SUBTITLE; OR

2. A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7–207.4 OF THIS SUBTITLE.

(h) (1) A county or municipal corporation has the authority to approve or deny any local permit required under a certificate of public convenience and necessity issued under this section.

(2) A county or municipal corporation shall approve or deny any local permits required under a certificate of public convenience and necessity issued under this section:

- (i) within a reasonable time; and
- (ii) to the extent local laws are not preempted by State law, in accordance with local laws.

(3) A county or municipal corporation may not condition the approval of a local permit required under a certificate of public convenience and necessity issued under this section on receipt of any of the following approvals for any aspect of a generating station, an overhead transmission line, or a qualified lead line proposed to be constructed under the certificate:

- (i) a conditional use approval;
- (ii) a special exception approval; or
- (iii) a floating zone approval.

1 7-207.1.

2 (c) (1) The Commission shall require a person that is exempted from the
3 requirement to obtain a certificate of public convenience and necessity **UNDER §**
4 **7-207(B)(1)(II)1 OF THIS SUBTITLE** to obtain approval from the Commission under this
5 section before the person may construct a generating station described in subsection (b) of
6 this section.

7 **7-207.4.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) “DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC
11 CONVENIENCE AND NECESSITY” OR “DGCPCN” MEANS A CERTIFICATE ISSUED BY
12 THE COMMISSION UNDER THIS SECTION THAT AUTHORIZES THE CONSTRUCTION
13 AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM.

14 (3) “DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM” MEANS A
15 COMMUNITY SOLAR ENERGY GENERATING SYSTEM, AS DEFINED IN § 7-306.2 OF
16 THIS TITLE, THAT:

17 (I) WOULD BE REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC
18 CONVENIENCE AND NECESSITY UNDER § 7-207 OF THIS SUBTITLE IF THE SYSTEM
19 DOES NOT OBTAIN A DGCPCN UNDER THIS SECTION;

20 (II) HAS A CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS
21 BUT NOT MORE THAN 5 MEGAWATTS OF ALTERNATING CURRENT; AND

22 (III) IS NOT LOCATED WITHIN A MUNICIPAL CORPORATION.

23 (4) “FOREST” HAS THE MEANING STATED IN § 5-1601 OF THE
24 NATURAL RESOURCES ARTICLE.

25 (5) “POWER PLANT RESEARCH PROGRAM” MEANS THE PROGRAM
26 WITHIN THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 3, SUBTITLE 3
27 OF THE NATURAL RESOURCES ARTICLE.

28 (6) “STANDARD LICENSING CONDITIONS” MEANS THE
29 PREDETERMINED LICENSING CONDITIONS ADOPTED BY THE COMMISSION UNDER
30 THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR
31 ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS
32 SECTION.

1 **(7) “STANDARD SITING AND DESIGN REQUIREMENTS” MEANS THE**
2 **PREDETERMINED OBJECTIVE REQUIREMENTS ADOPTED BY THE COMMISSION**
3 **UNDER THIS SECTION FOR THE SITING AND DESIGN OF A DISTRIBUTED SOLAR**
4 **ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPN UNDER THIS**
5 **SECTION.**

6 **(B) (1) ON OR BEFORE JULY 1, 2026, THE POWER PLANT RESEARCH**
7 **PROGRAM, AFTER GIVING NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT,**
8 **SHALL DEVELOP AND SUBMIT TO THE COMMISSION PROPOSED STANDARD SITING**
9 **AND DESIGN REQUIREMENTS AND PROPOSED STANDARD LICENSING CONDITIONS**
10 **FOR THE ISSUANCE OF A DGCPN.**

11 **(2) IN DEVELOPING THE PROPOSED STANDARD SITING AND DESIGN**
12 **REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS, THE**
13 **POWER PLANT RESEARCH PROGRAM SHALL CONSIDER:**

14 **(I) ACHIEVEMENT OF THE STATE’S CLIMATE AND RENEWABLE**
15 **ENERGY COMMITMENTS;**

16 **(II) REASONABLE SETBACKS AND LANDSCAPE SCREENING**
17 **REQUIREMENTS;**

18 **(III) ENVIRONMENTAL PRESERVATION, INCLUDING**
19 **PROHIBITIONS ON FOREST CLEARANCE EXCEPT WHERE NECESSARY TO:**

20 **1. REDUCE SOLAR PANEL SHADING NEAR THE**
21 **PERIMETER OF THE PROJECT SITE;**

22 **2. FACILITATE INTERCONNECTION INFRASTRUCTURE;**
23 **AND**

24 **3. ENSURE ADEQUATE SITE ACCESS;**

25 **(IV) STORMWATER MANAGEMENT, EROSION AND SEDIMENT**
26 **CONTROL, AND SITE STABILIZATION, ACCOUNTING FOR:**

27 **1. THE EFFECTS OF RUNOFF FROM SOLAR PANELS;**

28 **2. THE IMPACTS OF SOLAR PANELS ON SOIL DENSITY**
29 **AND COMPACTION; AND**

30 **3. THE IMPACTS OF SOLAR PANELS ON GROUND COVER**
31 **UNDER THE PANELS;**

(V) MINIMIZATION AND MITIGATION OF THE EFFECTS OF A
DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM ON HISTORIC SITES;

(VI) PUBLIC SAFETY;

(VII) INDUSTRY BEST PRACTICES; AND

(VIII) LICENSING CONDITIONS PREVIOUSLY ADOPTED BY THE
COMMISSION FOR SOLAR ENERGY GENERATING SYSTEMS, INCLUDING
REQUIREMENTS RELATED TO DECOMMISSIONING.

(c) (1) ON OR BEFORE JULY 1, 2027, THE COMMISSION SHALL ADOPT
REGULATIONS TO:

(I) IMPLEMENT STANDARD SITING AND DESIGN
REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN;

(II) SPECIFY THE FORM OF THE APPLICATION FOR A
DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO RECEIVE A DGCPCN AND
ANY APPLICATION FEE; AND

(III) SPECIFY THE COMMISSION'S PROCEDURE FOR PROCESSING
AN APPLICATION FOR A DGCPCN.

(2) THE COMMISSION SHALL CONSIDER THE PROPOSED STANDARD
SITING AND DESIGN REQUIREMENTS AND THE PROPOSED STANDARD LICENSING
CONDITIONS DEVELOPED BY THE POWER PLANT RESEARCH PROGRAM IN
ADOPTING THE REGULATIONS UNDER THIS SUBSECTION.

(3) (I) THE COMMISSION, IN CONSULTATION WITH THE POWER
PLANT RESEARCH PROGRAM, MAY PERIODICALLY SOLICIT PUBLIC COMMENTS
REGARDING IMPROVEMENTS TO THE STANDARD SITING AND DESIGN
REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN.

(II) THE PROCESS FOR SOLICITING PUBLIC COMMENTS UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE SAME AS THE PROCESS FOR
SOLICITING PUBLIC COMMENT REGARDING THE ADOPTION OF A REGULATION.

(4) (I) THE COMMISSION MAY SET AN APPLICATION FEE FOR A
DGCPCN APPLICATION AT AN AMOUNT THAT THE COMMISSION DETERMINES MAY
OFFSET THE ADMINISTRATIVE COSTS OF THE DGCPCN APPROVAL PROCESS.

1 **(II) THE ADMINISTRATIVE COSTS UNDER SUBPARAGRAPH (I) OF**
2 **THIS PARAGRAPH SHALL BE BASED ON AN ESTIMATE OF THE NUMBER OF DGCPN**
3 **APPLICATIONS THAT WILL BE FILED WITH THE COMMISSION EACH YEAR.**

4 **(D) (1) A PERSON MAY NOT BEGIN CONSTRUCTION OF A DISTRIBUTED**
5 **SOLAR ENERGY GENERATING SYSTEM UNLESS:**

6 **(I) A DGCPN IS FIRST OBTAINED FROM THE COMMISSION IN**
7 **ACCORDANCE WITH THIS SECTION; OR**

8 **(II) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
9 **IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH § 7-207 OF THIS**
10 **SUBTITLE.**

11 **(2) WHEN A PERSON SUBMITS AN APPLICATION FOR A DGCPN TO**
12 **THE COMMISSION, THE PERSON SHALL SUBMIT A COPY OF THE APPLICATION TO:**

13 **(I) THE POWER PLANT RESEARCH PROGRAM; AND**

14 **(II) THE GOVERNING BODY OF THE COUNTY WHERE THE**
15 **DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.**

16 **(E) (1) AFTER RECEIVING AN APPLICATION FOR A DGCPN BUT**
17 **BEFORE A DETERMINATION IS MADE UNDER SUBSECTION (F) OF THIS SECTION, THE**
18 **COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND HOLD**
19 **A PUBLIC HEARING ON AN APPLICATION FOR A DGCPN IN EACH COUNTY IN**
20 **WHICH ANY PORTION OF THE CONSTRUCTION OF THE DISTRIBUTED SOLAR ENERGY**
21 **GENERATING SYSTEM IS PROPOSED TO BE LOCATED.**

22 **(2) THE COMMISSION MAY HOLD THE PUBLIC HEARING VIRTUALLY**
23 **RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A COMPARABLE**
24 **OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE HEARING.**

25 **(F) (1) WITHIN 90 DAYS AFTER THE DATE AN APPLICATION FOR A**
26 **DGCPN IS FILED WITH THE COMMISSION, THE POWER PLANT RESEARCH**
27 **PROGRAM SHALL:**

28 **(I) DETERMINE WHETHER THE DISTRIBUTED SOLAR ENERGY**
29 **GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN**
30 **REQUIREMENTS FOR THE DGCPN; AND**

31 **(II) NOTIFY THE COMMISSION IN WRITING AS TO THE**
32 **DETERMINATION MADE UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING HOW AN**

1 APPLICATION THAT IS DETERMINED NOT TO SATISFY THE STANDARD SITING AND
2 DESIGN REQUIREMENTS CAN CURE THE DEFICIENCY.

3 (2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
4 SUBSECTION, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER PUBLIC
5 COMMENTS RECEIVED BY THE COMMISSION.

6 (G) (1) WITHIN 60 DAYS AFTER THE POWER PLANT RESEARCH
7 PROGRAM MAKES ITS DETERMINATION UNDER SUBSECTION (F)(1) OF THIS
8 SECTION, THE COMMISSION SHALL SCHEDULE A HEARING TO CONSIDER THE
9 APPLICATION FOR A DGCPCN.

10 (2) (I) AT THE HEARING UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION, THE COMMISSION SHALL DETERMINE WHETHER THE PROPOSED
12 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD
13 SITING AND DESIGN REQUIREMENTS.

14 (II) THE COMMISSION SHALL ISSUE A DGCPCN TO AN
15 APPLICANT TO CONSTRUCT A PROPOSED DISTRIBUTED SOLAR ENERGY
16 GENERATING SYSTEM SUBJECT TO THE STANDARD LICENSING CONDITIONS IF THE
17 COMMISSION DETERMINES THAT THE PROPOSED DISTRIBUTED SOLAR ENERGY
18 GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN
19 REQUIREMENTS.

20 (III) THE COMMISSION MAY NOT ISSUE A DGCPCN TO AN
21 APPLICANT IF THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM
22 DOES NOT SATISFY EACH OF THE STANDARD SITING AND DESIGN REQUIREMENTS.

23 (3) IN MAKING A DETERMINATION UNDER THIS SUBSECTION, THE
24 COMMISSION MAY CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION
25 UNDER SUBSECTION (E) OF THIS SECTION.

26 (H) (1) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION
27 SHALL REQUIRE THE PERSON CONSTRUCTING THE DISTRIBUTED SOLAR ENERGY
28 GENERATING SYSTEM TO OBTAIN THE FOLLOWING PERMITS AND APPROVALS FROM
29 THE COUNTY, MUNICIPAL CORPORATION, OR SOIL CONSERVATION DISTRICT IN
30 WHICH THE SYSTEM IS TO BE CONSTRUCTED:

31 (I) SITE PLAN APPROVAL;

32 (II) STORMWATER MANAGEMENT PLAN APPROVAL;

33 (III) EROSION AND SEDIMENT CONTROL PLAN APPROVAL;

(IV) ALL APPLICABLE BUILDING AND ELECTRICAL PERMITS;
AND

(V) ANY ADDITIONAL LOCAL PERMIT REQUIRED BY THE
STANDARD LICENSING CONDITIONS.

(2) THE PROVISIONS OF § 7-207(H) OF THIS SUBTITLE SHALL APPLY
TO ANY PERMITS AND APPROVALS REQUIRED UNDER PARAGRAPH (1) OF THIS
SUBSECTION.

(I) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION HAS
THE SAME FORCE AND EFFECT AS A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY ISSUED UNDER § 7-207 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That a county may not enact zoning
laws or adopt regulations that restrict or prohibit the construction or operation of energy
generating systems or facilities that are ground-mounted solar with a capacity to produce
up to 2 megawatts of alternating current.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Small Solar Siting Workgroup.

(b) The Workgroup consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of
the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the
House;

(3) one representative of the Maryland Energy Administration, designated
by the Director of the Administration;

(4) one representative of the Department of Natural Resources, designated
by the Secretary of Natural Resources;

(5) one representative of the Department of the Environment, designated
by the Secretary of the Environment;

(6) one representative of the Department of Agriculture, designated by the
Secretary of Agriculture;

(7) one representative of the Department of Planning, designated by the
Secretary of Planning;

(8) one representative of the Chesapeake Solar and Storage Solar Association, designated by the President of the Association;

(9) one representative of the Solar Energy Industries Association, designated by the President of the Association;

(10) one representative of the Coalition for Community Solar Access, designated by the President of the Coalition;

(11) one representative of the Maryland Association of Counties, designated by the President of the Association;

(12) one representative of the Maryland Farm Bureau, designated by the President of the Bureau;

(13) one representative of Forever Maryland, designated by the Executive Director of Forever Maryland;

(14) one representative of the League of Conservation Voters, designated by the Chair of the Board of Directors of the League;

(15) one representative of the Chesapeake Climate Action Network, designated by the Executive Director of the Network; and

(16) one representative of the Maryland Sierra Club, designated by the Director of the Club.

(c) The representative of the Maryland Energy Administration shall serve as chair of the Workgroup.

(d) The Maryland Energy Administration shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall review, determine, and make recommendations regarding:

(1) best practices for solar energy generating systems with capacities of up to 2 megawatts of alternating current, including:

(i) the possibility of statewide setback and screening requirements;

1 (ii) whether there should be additional State or local incentives for
2 the development of solar energy generating systems on brownfields, parking lots, and other
3 non-agriculturally-zoned land;

4 (iii) whether there should be additional State or local incentives for
5 agrivoltaics development; and

6 (iv) what other forms of standardization should apply to these solar
7 energy generating systems; and

8 (2) the establishment of a statewide model policy for solar energy
9 generating systems with capacities of up to 2 megawatts of alternating current.

10 (g) On or before December 1, 2025, the Workgroup shall submit an interim report
11 of its initial findings and recommendations to the Governor and, in accordance with §
12 2–1257 of the State Government Article, the General Assembly.

13 (h) On or before December 1, 2026, the Workgroup shall submit a final report of
14 its findings and recommendations to the Governor and, in accordance with § 2–1257 of the
15 State Government Article, the General Assembly.

16 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act
17 may not be applied or interpreted to have any effect on or application to the construction
18 or modification of any solar energy generating system for which a certificate of public
19 convenience and necessity or other required approval was obtained before the effective date
20 of the regulations adopted by the Public Service Commission under § 7–207.4(c) of the
21 Public Utilities Article, as enacted by Section 1 of this Act.

22 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General
23 Assembly that nothing in Section 2 or 3 of this Act be construed to abrogate, modify, or
24 limit the holding of the Supreme Court of Maryland in Board of County Commissioners of
25 Washington County, Maryland v. Perennial Solar, LLC, 464 Md. 610 (2019).

26 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2025. Sections 2 and 3 of this Act shall remain effective for a period of 2 years and, at the
28 end of June 30, 2027, Sections 2 and 3 of this Act, with no further action required by the
29 General Assembly, shall be abrogated and of no further force and effect.