

D R A F T

SUMMARY

Grants property tax exemption for proportion of community solar project that is owned by residential customers or leased by residential subscribers. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to property tax exemption for community solar projects; creating new provisions; amending ORS 307.175 and 757.386 and section 4, chapter 656, Oregon Laws 2011; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 307.175 is amended to read:

307.175. (1) As used in this section[,]:

(a) “Alternative energy system” means property consisting of solar, geothermal, wind, water, fuel cell or methane gas energy systems for the purpose of heating, cooling or generating electricity.

(b) “Community solar project” has the meaning given that term in **ORS 757.386.**

(c) “Residential” means that a dwelling is the occupant’s principal place of residence.

(d) “Residential subscriber” means:

(A) A subscriber who is an individual owner or tenant of residential housing; and

(B) The owner of a residential building that subscribes on behalf of tenants residing in units of low-income housing in the building.

(2) [*An alternative energy system*] **The following property** is exempt from

1 ad valorem property taxation [*if the system is*]:

2 **(a) An alternative energy system that is:**

3 [(a)] **(A)** A net metering facility, as defined in ORS 757.300; or

4 [(b)] **(B)** Primarily designed to offset onsite electricity use.

5 **(b) The proportion of a community solar project that is owned by**
6 **residential customers or leased by residential subscribers.**

7 (3) Notwithstanding ORS 307.110 and 308.505 to 308.674, any portion of the
8 real property to which an alternative energy system is affixed is exempt un-
9 der this section if:

10 (a) The real property is otherwise exempt from ad valorem property tax-
11 ation; and

12 (b) The alternative energy system is exempt under this section.

13 (4) Property equipped with an alternative energy system is exempt from
14 ad valorem property taxation in an amount that equals any positive amount
15 obtained by subtracting the real market value of the property as if it were
16 not equipped with an alternative energy system from the real market value
17 of the property as equipped with the alternative energy system.

18 **(5) A community solar project is eligible to claim the exemption**
19 **granted under this section beginning on the date on which the elec-**
20 **trical inspection for the project is completed and approved.**

21 **(6) The proportion of a community solar project that is owned by**
22 **residential customers or leased by residential subscribers shall be the**
23 **percentage of the nameplate capacity of the project that is allocated**
24 **to such ownership or subscription as of January 1 at 1:00 a.m. of the**
25 **assessment year.**

26 **(7)(a) The project manager of a community solar project seeking**
27 **exemption under this section must file with the Department of Reve-**
28 **nue, on or before March 15 preceding the property tax year for which**
29 **the exemption is claimed, the proportion determined in accordance**
30 **with subsection (6) of this section. The proportion may be included**
31 **with the statement required under ORS 308.524.**

1 **(b) Notwithstanding paragraph (a) of this subsection, the proportion**
2 **may be filed with the department after March 15 and on or before May**
3 **1 of the assessment year if accompanied by a late filing fee of \$200.**
4 **The late filing fee is in addition to and not in lieu of any other filing**
5 **fees or penalties applicable to the taxation of the community solar**
6 **project.**

7 **(8) A community solar project that is granted exemption under this**
8 **section may not be granted any other exemption from ad valorem**
9 **property taxes for the same property tax year.**

10 **SECTION 2.** Section 4, chapter 656, Oregon Laws 2011, as amended by
11 section 28, chapter 193, Oregon Laws 2013, and section 1, chapter 542, Oregon
12 Laws 2017, is amended to read:

13 **Sec. 4.** (1) The amendments to ORS 307.175 by section 3, chapter 656,
14 Oregon Laws 2011, apply to **property** tax years beginning on or after July
15 1, 2011.

16 **(2) The amendments to ORS 307.175 by section 1 of this 2022 Act**
17 **apply to property tax years beginning on or after July 1, 2022.**

18 [(2)] **(3) An exemption under ORS 307.175 may not be allowed for prop-**
19 **erty tax years beginning after July 1, [2023] 2029.**

20 **SECTION 3.** ORS 757.386 is amended to read:

21 757.386. (1) For purposes of this section:

22 (a) “Community solar project” means one or more solar photovoltaic en-
23 ergy systems that provide owners and subscribers the opportunity to share
24 the costs and benefits associated with the generation of electricity by the
25 solar photovoltaic energy systems.

26 (b) “Electric company” has the meaning given that term in ORS 757.600.

27 (c) “Owner” means a customer of an electric company who has propor-
28 tionate ownership of part of a community solar project, such as direct own-
29 ership of one or more solar panels or shared ownership of the infrastructure
30 of the community solar project.

31 (d) “Project manager” means the entity identified as having responsibility

1 for managing the operation of a community solar project and, if applicable,
2 for maintaining contact with the electric company that procures electricity
3 from the community solar project. A project manager may be:

4 (A) An electric company; or

5 (B) An independent third party.

6 (e) “Solar photovoltaic energy system” means equipment and devices that
7 have the primary purpose of collecting solar energy and generating electric-
8 ity by photovoltaic effect.

9 (f) “Subscriber” means a customer of an electric company who propor-
10 tionately leases part of a community solar project for a minimum of 10 years.

11 (2)(a) The Public Utility Commission shall establish by rule a program for
12 the procurement of electricity from community solar projects. As part of the
13 program, the commission shall:

14 (A) Adopt rules prescribing what qualifies a community solar project to
15 participate in the program;

16 (B) Certify qualified community solar projects for participation in the
17 program;

18 (C) Prescribe the form and manner by which project managers may apply
19 for certification under the program; and

20 (D) Require, by rule or order, electric companies to enter into a 20-year
21 power purchase agreement with a certified community solar project.

22 (b) The commission shall adopt rules under paragraph (a)(A) of this sub-
23 section that, at a minimum:

24 (A) Incentivize consumers of electricity to be owners or subscribers;

25 (B) Minimize the shifting of costs from the program to ratepayers who
26 do not own or subscribe to a community solar project;

27 (C) Where an electric company is the project manager, protect owners and
28 subscribers from undue financial hardship; and

29 (D) Protect the public interest.

30 (c) The commission may suspend the program adopted under this sub-
31 section if the commission has good cause to suspend the program.

1 (3) A community solar project:

2 (a) Must have at least one solar photovoltaic energy system with a mini-
3 mum generating capacity of 25 kilowatts;

4 (b) Must be located in this state; and

5 (c) May be located anywhere in this state.

6 (4) A project manager may offer ownership in or subscriptions to a com-
7 munity solar project only to consumers of electricity that are located:

8 (a) In this state; and

9 (b) In the service territory of an electric company.

10 (5)(a) A project manager may offer proportional ownership in or propor-
11 tional subscriptions to a community solar project in any amount that does
12 not exceed a potential owner's or potential subscriber's average annual con-
13 sumption of electricity.

14 (b) Any value associated with the generation of electricity in excess of
15 an offer to own or subscribe to a community solar project as limited by
16 paragraph (a) of this subsection must be used by the electric company pro-
17 curing electricity from the community solar project in support of low-income
18 residential customers of the electric company.

19 (6)(a) Except as provided in paragraph (b) of this subsection, an electric
20 company shall credit an owner's or subscriber's electric bill for the amount
21 of electricity generated by a community solar project for the owner or sub-
22 scriber in a manner that reflects the resource value of solar energy. For
23 purposes of this paragraph, the commission shall determine the resource
24 value of solar energy.

25 (b) The commission may adopt a rate for an electric company to use in
26 crediting an owner's or subscriber's electric bill other than the rate de-
27 scribed in paragraph (a) of this subsection if the commission has good cause
28 to adopt the different rate.

29 (7)(a) Except as otherwise provided in this section, owners and subscribers
30 shall bear the costs and benefits of constructing and operating a community
31 solar project.

1 (b) Costs incurred by an electric company under the terms of a power
2 purchase agreement entered into pursuant to subsection (2)(a)(D) of this
3 section are recoverable in the rates of the electric company. Moneys col-
4 lected pursuant to imposing those rates, under the terms of a power purchase
5 agreement entered into pursuant to subsection (2)(a)(D) of this section, may
6 be transferred to a project manager for the purpose of operating a community
7 solar project.

8 (c) All start-up costs prudently incurred during the development or mod-
9 ification of the program established under this section are recoverable in the
10 rates of an electric company.

11 (d) Owners and subscribers shall bear all ongoing costs incurred during
12 the continued administration of the program established under this section.

13 (8) Owners and subscribers own all renewable energy certificates estab-
14 lished under ORS 469A.130 that are associated with the generation of elec-
15 tricity by a community solar project, in proportion to the owner's
16 proportional ownership in or the subscriber's proportional subscription to
17 the community solar project.

18 (9) As part of the program established under this section, the commission
19 shall:

20 (a) Determine a methodology by which 10 percent of the total generating
21 capacity of the community solar projects operated under the program will
22 be made available for use by low-income residential customers of electricity;
23 and

24 (b) Periodically review and adjust the percentage described in paragraph
25 (a) of this subsection.

26 **(10) A subscription described in this section shall be considered a**
27 **lease for purposes of ORS 307.092 and 307.112.**

28 **SECTION 4. The amendments to ORS 757.386 by section 3 of this**
29 **2022 Act apply to property tax years beginning on or after July 1, 2022.**

30 **SECTION 5. This 2022 Act takes effect on the 91st day after the date**
31 **on which the 2022 regular session of the Eighty-first Legislative As-**

1 **sembly adjourns sine die.**

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