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## SENATE BILL NO. 1333

Offered January 11, 2023

Prefiled January 11, 2023

A *BILL to amend and reenact §§ 45.2-1701 and 45.2-1905 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 19 of Title 45.2 an article numbered 4 consisting of sections numbered 45.2-1918 through 45.2-1925, relating to Commonwealth Solar and Economic Development Program; created.*

Patrons—Hashmi, Boysko, McClellan and Morrissey; Delegate: Kory

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 45.2-1701 and 45.2-1905 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 19 of Title 45.2 an article numbered 4 consisting of sections numbered 45.2-1918 through 45.2-1925 as follows:**

**§ 45.2-1701. Division of Renewable Energy and Energy Efficiency established; powers and duties.**

A. The Division of Renewable Energy and Energy Efficiency is established in the Department. The Director has the immediate authority to coordinate the development and implementation of energy policy in the Commonwealth.

B. The Division shall coordinate the energy-related activities of the various state agencies and advise the Governor on energy issues that arise at the local, state, and national levels. All state agencies and institutions shall cooperate fully with the Division to assist in the proper execution of the duties assigned by this section.

C. In addition, the Division is authorized to make and enter into all contracts and agreements necessary or incidental to the performance of its duties or the execution of its powers, including the implementation of energy information and conservation plans and programs.

D. The Division shall:

1. Consult with state agencies and institutions concerning energy-related activities or policies as needed for the proper execution of the duties assigned to the Division by this section;

2. Serve as the Commonwealth's liaison with appropriate agencies of the federal government concerning the activities of the federal government related to energy production, consumption, and transportation and energy resource management in general;

3. Provide services to encourage efforts by and among businesses in the Commonwealth, industries, utilities, academic institutions, state and local governments, and private institutions to develop energy resources and energy conservation programs;

4. In consultation with the State Corporation Commission, the Department of Environmental Quality, and the Virginia Center for Coal and Energy Research, prepare the Virginia Energy Plan pursuant to § 45.2-1710; and

5. Observe the energy-related activities of state agencies and advise such agencies in order to encourage conformity with established energy policy; and

6. *Implement the Commonwealth Solar and Economic Development Program pursuant to the provisions of Article 4 (§ 45.2-1918 et seq.).*

**§ 45.2-1905. (Effective October 1, 2021; Expires July 1, 2025) Federal loan guarantees.**

A. The Authority, on behalf of the Commonwealth, may apply to the U.S. Department of Energy or the U.S. Environmental Protection Agency for federal loan guarantees or grant funds authorized or made available pursuant to Title XVII of the federal Energy Policy Act of 2005, P.L. 109-58; the federal American Recovery and Reinvestment Act of 2009, P.L. 111-5; the federal Inflation Reduction Act, P.L. 117-169; or other similar federal legislation to facilitate the development of solar energy projects.

B. Upon obtaining a federal loan guarantee for a solar energy project pursuant to subsection A, the Authority, subject to any restrictions imposed by federal law, may allocate or assign all or any portion thereof to a qualified third party on terms and conditions the Authority finds appropriate. Any action of the Authority relating to the allocation and assignment of such loan guarantee shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 4 of § 2.2-4002. Any decision of the Authority pursuant to this section shall be final and not subject to review or appeal.

*Article 4.*

*Commonwealth Solar and Economic Development Program.*

INTRODUCED

SB1333

59 **§ 45.2-1918. Definitions.**

60 "Available solar and economic development projects" means the list of solar and economic  
61 development projects enumerated in § 45.2-1920.

62 "Census tract" means a geographic region identified as a census tract by the United States Census  
63 Bureau in the 2020 decennial census.

64 "Program" means the Commonwealth Solar and Economic Development Program created pursuant  
65 to § 45.2-1919.

66 **§ 45.2-1919. Commonwealth Solar and Economic Development Program created.**

67 A. There is hereby created within the Division a program to be known as the Commonwealth Solar  
68 and Economic Development Program. The following census tracts from the 2020 decennial census shall  
69 be the only eligible census tracts for participation in the Program:

70 1. Alexandria City Census Tracts 2001.02, 2001.04, 2001.05, 2001.06, 2001.08, 2001.09, 2003.02,  
71 2003.04, 2003.05, 2004.06, 2004.07, 2004.08, 2004.09, 2005, 2006, 2012.04, 2012.05, and 2012.06.

72 2. Amherst County Census Tracts 105.05 and 105.06.

73 3. Arlington County Census Tracts 1008, 1020.01, 1020.03, 1022, 1023.02, 1026, 1027.01, 1028.03,  
74 1028.04, 1031, 1033, and 1038.

75 4. Bristol City Census Tracts 201, 202.01, 202.02, and 203.

76 5. Campbell County Census Tract 207.

77 6. Charlottesville City Census Tract 5.01.

78 7. Chesapeake City Census Tracts 200.02, 201, 202, 203, 204, 205, and 207.

79 8. Chesterfield County Census Tracts 609, 708.04, 710.04, 711, 1001.07, 1002.10, 1002.11, 1002.12,  
80 1003, 1004.04, 1004.05, 1004.06, 1004.07, 1005.06, 1008.04, 1008.05, 1008.06, 1008.14, 1008.17,  
81 1008.19, and 1009.07.

82 9. Colonial Heights City Census Tracts 8302, 8304, and 8305.

83 10. Culpeper County Census Tract 9303.

84 11. Danville City Census Tracts 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13.01, 13.02, and 114.

85 12. Dinwiddie County Census Tracts 8403, 8404, and 8405.

86 13. Emporia City Census Tracts 8901 and 8902.

87 14. Fairfax City Census Tract 3001.

88 15. Fairfax County Census Tracts 4201, 4214, 4215, 4216, 4217.01, 4218, 4221.02, 4306, 4316.01,  
89 4316.02, 4502, 4506.02, 4507.02, 4514, 4515.01, 4515.02, 4516.01, 4516.02, 4521.01, 4522, 4523.01,  
90 4523.02, 4524, 4525.02, 4526, 4527, 4528.01, 4528.02, and 4619.02.

91 16. Franklin City Census Tract 902.

92 17. Fredericksburg City Census Tracts 2.01, 2.02, 202.02, 3.02, and 4.

93 18. Halifax County Census Tracts 9306.01, 9306.02, and 9308.

94 19. Hampton City Census Tracts 103.14, 104, 105.02, 105.04, 106.01, 106.02, 107.01, 109, 113, 114,  
95 116, and 118.

96 20. Hanover County Census Tracts 3206.01 and 3206.02.

97 21. Henrico County Census Tracts 109, 210, 211, 212, 2001.06, 2001.52, 2001.53, 2003.03, 2004.04,  
98 2004.09, 2004.12, 2004.17, 2004.18, 2005.01, 2005.03, 2007, 2008.01, 2008.05, 2008.06, 2008.07,  
99 2009.05, 2009.07, 2009.08, 2010.02, 2010.03, 2011.02, 2011.03, 2011.04, 2012.03, 2012.04, 2012.05,  
100 2012.06, 2014.03, 2014.05, 2014.06, 2015.03, and 2015.04.

101 22. Henry County Census Tracts 101, 105, 106.02, and 108.

102 23. Hopewell City Census Tracts 8201, 8203, 8204, 8205, 8206, and 8207.

103 24. James City County Census Tract 801.02.

104 25. Loudoun County Census Tracts 6105.05, 6110.18, 6115.01, 6115.02, and 6116.02.

105 26. Lynchburg City Census Tracts 4, 6, 7, 11, and 19.

106 27. Manassas Park City Census Tract 9201.

107 28. Martinsville City Census Tracts 1, 2, 3, and 4.

108 29. Montgomery County Census Tract 202.02.

109 30. Newport News City Census Tracts 105.03, 119, 301, 304, 306, 308, 309, 311, 312, 314, 320.06,  
110 321.13, 321.17, 321.26, 321.29, 322.12, 322.25, 322.26, 322.27, and 324.

111 31. News City Census Tract 322.28.

112 32. Norfolk City Census Tracts 11, 13, 14, 16, 17, 26, 27, 29, 30, 31, 32, 33, 34, 35.01, 41, 42, 43,  
113 44, 45, 46, 47, 48, 5, 50, 51, 55, 56.02, 57.01, 57.02, 58, 59.01, 59.02, 59.03, 60, 61, 62, 64, 66.04,  
114 66.07, 69.01, 69.02, and 70.02.

115 33. Petersburg City Census Tracts 8101, 8103, 8104, 8105, 8106, 8107, 8109, 8110, 8112, and 8113.

116 34. Pittsylvania County Census Tracts 9, 108.03, 108.04, and 112.

117 35. Portsmouth City Census Tracts 2102, 2105, 2106, 2109, 2111, 2114, 2115, 2117, 2118, 2119,  
118 2120, 2121, 2123, 2124, 2125, and 2132.

119 36. Prince William County Census Tracts 9002.01, 9002.02, 9002.03, 9003.01, 9003.02, 9004.03,  
120 9004.04, 9004.07, 9004.09, 9004.10, 9005.03, 9005.04, 9006.01, 9006.02, 9007.01, 9009.01, 9010.13,

9010.14, 9010.15, 9010.16, 9012.03, 9012.08, 9012.11, 9012.12, 9014.03, 9014.07, 9016.01, 9016.02, 9017.02, 9017.03, 9017.04, and 9019.

37. Richmond City Census Tracts 103, 104.01, 104.02, 105, 106, 107, 108, 110, 111, 201, 202, 203, 204, 207, 209, 301, 302, 305.01, 305.02, 402.01, 402.02, 403, 404, 412, 413, 414, 416, 602, 604, 605.01, 605.02, 607, 608, 610.01, 610.02, 703, 706.01, 706.02, 707, 708.02, 708.03, 709.01, 709.02, 710.02, and 710.03.

38. Roanoke City Census Tracts 1, 3, 4, 5, 9, 10, 12, 23.01, 23.02, 24, 25.01, 25.02, 26, and 27.

39. Salem City Census Tract 103.

40. Scott County Census Tract 306.

41. Spotsylvania County Census Tract 201.08.

42. Suffolk City Census Tracts 651, 653.01, 653.02, 654.01, and 654.02.

43. Virginia Beach City Census Tracts 402, 410.02, and 448.06.

44. Warren County Census Tract 205.

45. Waynesboro City Census Tract 31.

46. Winchester City Census Tracts 1.01, 1.02, and 3.01.

C. The Division shall publish (i) the list of census tracts set forth subsection B; (ii) the list of available solar and economic development projects set forth in § 45.2-1920; and (iii) notice of the process for holding community meetings and soliciting public comment from residents of eligible census tracts.

**§ 45.2-1920. Available solar and economic development projects.**

The following items constitute the full and complete list of available solar and economic development projects that may be selected and implemented as part of the Program:

1. Installing photovoltaic solar panels and battery storage systems on residential homes and residential buildings;

2. Retrofitting residential homes and residential buildings to improve their energy efficiency; and

3. Cultivating public green spaces by planting mature shade trees throughout the census tract.

**§ 45.2-1921. Community meetings, comment period, and selection of projects.**

A. By January 1, 2024, the Division, in coordination with the Department of Environmental Quality, shall host at least one community meeting in each office of the Department of Environmental Quality that includes at least one census tract listed in subsection B of § 45.2-1919. At each community meeting, the Division, in coordination with the Department of Environmental Quality, shall present information about each of the available solar and economic development projects listed in § 45.2-1920 and shall provide residents from eligible census tracts with the opportunity to discuss the relative merits of the available solar and economic development projects for their census tract.

B. Within one month of the final community meetings held pursuant to subsection A, the Division, in coordination with the Department of Environmental Quality, shall open a 60-day public comment period to allow residents of the census tracts listed in subsection B of § 45.2-1919 to submit their preference for a project from the list of available solar and economic development projects to be implemented in their census tract. Such opportunity to comment shall include an online public comment forum. The Division may extend the comment period as appropriate.

C. The Division shall make the total number of individual comments submitted in support of each project on the list of available solar and economic development projects publicly available within 15 days of the close of the comment period.

D. For each census tract listed in subsection B of § 45.2-1919, the Division shall select for implementation the project from the list of available solar and economic development projects that receives the highest total of individual comments in support from residents of that census tract. If two or more projects from the list of available solar and economic development projects each receive the highest total of individual comments in support from residents of that census tract, the Division shall select for implementation, from such projects receiving the highest total of individual comments, the project that, in the Division's judgment, best serves the interests of the residents of that census tract, taking into consideration the comments received. If no projects from the list of available solar and economic development projects receives any individual comments in support, the Division shall select for implementation the project that, in the Division's judgment, best serves the interests of the residents of that census tract.

**§ 45.2-1922. Implementation of solar and economic development projects.**

A. The solar or economic development project selected for a census tract shall be implemented by the Division as promptly as possible after the close of the Program comment period.

B. The Division shall pay all costs of completing the selected solar or economic development project and, if applicable, the additional solar or economic development project.

C. If, after fully completing the selected solar or economic development project, the Division has remaining funds designated for the Program, the Division shall use the remaining funds to implement or

182 partially implement the solar or economic development project with the second highest total of  
183 individual comments in support of the project. None of the solar or economic development projects  
184 enumerated in § 45.2-1920 shall be considered complete unless they have been offered to every  
185 residential homeowner and every residential building owner within the relevant census tract.

186 **§ 45.2-1923. Solicitation of funds for solar and economic development projects.**

187 A. The Division shall solicit funds for the projects listed in § 45.2-1920. For the projects listed under  
188 subdivisions 1, 2, and 3 of § 45.2-1920, the Division shall apply to the U.S. Environmental Protection  
189 Agency's Greenhouse Gas Reduction Fund for funds. For the project listed under subdivision 3 of  
190 § 45.2-1920, the Division shall also apply to the Department of Forestry's Urban and Community  
191 Forestry Grant Program, the Department of Forestry's Virginia Trees for Clean Water Grant Program,  
192 and the U.S. Forest Service's Urban and Community Forestry Program for funds.

193 B. The Division shall designate any funds received pursuant to this section for use only for  
194 implementation of projects pursuant to § 45.2-1922.

195 **§ 45.2-1924. Consent required.**

196 The Division shall not perform any solar or economic development project on a residential home  
197 without that homeowner's informed consent, nor shall the Division change or modify a residential home,  
198 install anything on a residential home, or remove anything from a residential home as part of a solar or  
199 economic development project without obtaining the homeowner's informed consent.

200 **§ 45.2-1925. Severability.**

201 If any provision of this chapter is held invalid, the remainder of this chapter shall not be affected  
202 thereby. If the application of any provision of this chapter to any person or circumstance is held invalid,  
203 the application of such provision to other persons or circumstances shall not be affected thereby.

204 **2. That the Division of Renewable Energy and Energy Efficiency shall publish the information**  
205 **required pursuant to subsection C of § 45.2-1919 of the Code of Virginia, as created by this act,**  
206 **by November 1, 2023, and shall host at least one community meeting in accordance with the**  
207 **provisions of subsection A of § 45.2-1921 of the Code of Virginia, as created by this act, by**  
208 **January 1, 2024.**