



Senate Bill 265

Community Solar Energy Generating Systems - Prohibited Locations - Adjacent Parcels

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, and the Environment
Committee

Date: February 19, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 265 WITH AMENDMENTS**. This bill would remove the existing prohibition on co-locating community solar projects on adjacent parcels. Sponsor amendments, supported by MACo, would align community solar siting and revise standards with the safeguards enacted under the Renewable Energy Certainty Act of 2025.

Nearly a decade ago, the General Assembly created Maryland’s community solar program as a distinct category of solar energy generating systems designed to expand access to clean energy – particularly for moderate- and low-income subscribers – through specific program requirements and consumer protections. At the time, the program also included siting guardrails intended to manage local impacts and ensure responsible project placement. Since then, however, the energy market and regulatory framework have evolved significantly. As a result, the guardrails that apply uniquely to community solar are increasingly less effective where similarly sized or larger non-community solar projects are not subject to the same standards.

After working with the sponsor, counties have agreed on several amendments to modernize and harmonize these guardrails so that community solar and comparable standard solar projects are subject to consistent, predictable safeguards. This approach preserves the benefits of community solar while ensuring local governments have clear and equitable tools to manage siting and community impacts. MACo’s amendments accomplish four primary goals:

- 1) ***Guardrails aimed at areas primed for housing.*** Apply the same growth area limitations to community solar as are applicable to standard solar. In the Renewable Energy Certainty Act, standard solar was limited to a total of 5 megawatts in tier 1 and 2 growth areas. This same limitation should be applied to community solar projects.
- 2) ***Strikes salvage value from the calculation of the decommissioning bond.*** No facility has yet to be decommissioned, and the 30-year time horizon for the lifespan of these facilities means an accurate calculation is near impossible. Even with the bonds being renewed every 5 years, this is still a horizon with little predictability. Without this change, both the state and county governments may be facing serious costs related to decommissioning if there was a scenario where a bond will need to be called, and the total is insufficient.

- 3) Clarifies that the 5% limit within a priority preservation area includes facilities constructed both before and after the effective date of the legislation. There have been some questions about interpretation and intent. This addition just clarifies that all facilities should be included in that calculation, regardless of the construction date.

- 4) Adjusts the Priority Preservation Area (PPA) establishment date to January 1, 2026. Somerset County was in the process of still establishing a PPA when this legislation was enacted. This change ensures that Somerset can still enjoy the incentives under this legislation to further solar development. Between enactment and January 1, 2026, no other county has established or adjusted their PPA.

Counties thank the sponsor for their partnership in addressing local concerns and remain committed to being productive stakeholders in addressing the state's energy needs. Accordingly, MACo urges the Committee to issue a **FAVORABLE WITH AMENDMENTS** report for SB 265.