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HOUSE BILL 173

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Rachel A. Black

AN ACT

RELATING TO LOCAL GOVERNMENT; ELIMINATING AUTHORITY FOR COUNTY SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENTS TO BE IMPOSED ON RESIDENTIAL PROPERTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 4-55C-2 NMSA 1978 (being Laws 2009, Chapter 270, Section 2) is amended to read:

"4-55C-2. DEFINITIONS.--As used in the Solar Energy Improvement Special Assessment Act:

A. "county" means a county, including an H class county;

B. "eligible solar energy improvement" means a photovoltaic or solar thermal system installed on [~~residential or~~] commercial property;

C. "photovoltaic system" means an energy system

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1 that collects or absorbs sunlight for conversion into
2 electricity; and

3 D. "solar thermal system" means an energy system
4 that collects or absorbs solar energy for conversion into heat
5 for the purposes of space heating, space cooling or water
6 heating."

7 SECTION 2. Section 4-55C-3 NMSA 1978 (being Laws 2009,
8 Chapter 270, Section 3, as amended) is amended to read:

9 "4-55C-3. ORDINANCE IMPOSING SOLAR ENERGY IMPROVEMENT
10 SPECIAL ASSESSMENT.--

11 A. The board of county commissioners of a county
12 may provide by ordinance for a solar energy improvement special
13 assessment to be imposed on a [~~residential or~~] commercial
14 property within the boundaries of the county if the owner of
15 the property requests the assessment.

16 B. A solar energy improvement special assessment
17 may be imposed on commercial property within the boundaries of
18 an incorporated municipality in a county if the municipality
19 adopts an ordinance approving the application of the county's
20 ordinance within the incorporated municipality.

21 C. The purpose of the solar energy improvement
22 special assessment shall be to increase access to the benefits
23 of solar technology improvements by participation in a
24 voluntary special assessment on property, which can be used to
25 facilitate financing arrangements for the eligible solar energy

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improvements."

SECTION 3. APPLICABILITY.--The provisions of this act apply to solar energy improvement special assessments imposed on or after July 1, 2021.