State Tax Benefits for Corporate Investors in Residential Solar

This week’s Industry Current is written by David Burton, partner, and Richard Page, associate, at Akin Gump Strauss Hauer & Feld in New York.

This article evaluates the tax and cash incentives that might apply to corporate investors in residential solar systems installed in the following 10 U.S. states: California, Connecticut, Hawaii, Louisiana, Massachusetts, New Jersey, New York, North Carolina, Rhode Island and Utah.

◆ The following six states provide tax or cash incentives directly to the business-entity installer of residential solar systems: Connecticut, Hawaii, Louisiana, Massachusetts, North Carolina and Rhode Island.

◆ Two states, California and New Jersey, have assignable rebates in place that allow consumers to assign their rebates to business-entity installers. A third state, New York, has previously allowed rebates to be assignable; this will likely remain the case under the new incentive plan that is going into effect this year.

◆ Utah does not yet have an incentive regime to provide a credit or other benefit to business-entity installers of residential solar systems.

◆ Finally, at least two of the states, California and Massachusetts, have local subsidies that further incentivize solar system installations by third-party providers.

Incentive plans for solar energy installation evolve regularly. This is particularly true in states where legislatures allocate fixed amounts of money for given programs over set periods of time (e.g., Massachusetts, as described below).

CALIFORNIA

California offers several statewide incentives for the installation of solar modules on residential properties. Additionally, several California municipalities and utilities have offered a variety of cash incentives and rebates to encourage solar module installation. Such municipalities and utilities have included San Francisco, Corona, Glendale and Pasadena, and Moreno Valley Electric Utility, Roseville Electric, Silicon Valley Power and Azusa Light & Water. For example, San Francisco’s program, GoSolarSF Incentive, gives an assignable incentive of $500 to $2,000 (according to the amount of kW capacity installed) to any resident who installs a solar module on his/her property located with the city. The program adds an additional $2,000 to $7,000 if the recipient is a low-income resident.

On a statewide level, the State of California has rebate programs to encourage solar system installations. The California Solar Initiative Program provides assignable rebates to homeowners who install solar energy systems and live in regions that are serviced by one of California’s three investor-owned utilities (this covers roughly 68% of residents). The three investor-owned utilities are Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison.

These rebates are paid in accordance with one of two methods: (1) the expected performance-based buydown method, and (2) the performance-based incentive method. Under the first method, payment is given at the time of installment based on expected electrical output and under the second method, the payment is given over a period of five years based on the actual metered output of the system. Payment amounts are determined using a calculator that includes factors such as utility territory, system size, customer class, and performance and installation factors. Additional benefits are available for low-income homeowners. Assignments can be made with the consent of the local utility company and such utility companies “shall” consent without unreasonable delay for the parties involved.

A separate program, the New Solar Homes Partnership, provides assignable incentives of $0.75/watt to $3.50/watt based on various factors for newly constructed residences served by one of the following utilities: PG&E, SoCalEd, SDG&E and Bear Valley Electric Service.

CONNECTICUT

Connecticut’s PBI program provides incentives directly to eligible third-party solar system owners that contract with homeowners to install residential solar systems. The incentive is paid out over six years, based on energy output. Over a given twelve-month period, up to the first 10 kW of energy consumed per home is subsidized at $0.08/kWh, but only up to the amount of energy that was previously consumed in the prior 12-month period. Energy consumed by a home above the amount that was consumed in the prior 12-month period is subsidized at $0.06/kWh up to 20 kW of consumption. Connecticut does not want to encourage overconsumption.

HAWAII

Hawaii allows corporations to directly claim a state corporate income tax credit for installing solar energy systems on residential properties. The credit equals 35% of the cost of the installed property, up to a cap. This cap is $5,000 for a single family home and $350 per unit per system for multi-family residential property.

LOUISIANA

Louisiana offers an income tax credit for the installation of solar electric systems or solar thermal systems at single-family residences within the state. The credit may be claimed by an individual or an entity. If the credit is claimed by a corporation, the credit should be noted on the corporation’s state income
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