

STATE OF NEW YORK

2888

2023-2024 Regular Sessions

IN ASSEMBLY

January 31, 2023

Introduced by M. of A. BARRETT, LUPARDO, GUNTHER, KELLES, GONZALEZ-ROJAS, COLTON, SIMON -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, in relation to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 8 of the public authorities law is amended by adding a new title 9-C to read as follows:

TITLE 9-C

CLEAN ENERGY OUTREACH AND COMMUNITY PLANNING PROGRAM

Section 1910. Statement of legislative findings and intent.

1911. Definitions.

1912. Powers and duties.

1913. Funding.

1914. Reporting.

§ 1910. Statement of legislative findings and intent. 1. Findings. The legislature hereby finds, determines, and declares:

(a) New York will need to accelerate the deployment of renewable energy projects, both large-scale and distributed energy systems, in order to achieve the mandates of the New York state climate leadership and community protection act enacted as chapter one hundred six of the laws of two thousand nineteen (the "CLCPA").

(b) In addition to the authority's procurement programs and improved state permitting processes, renewable energy projects require collaboration between host communities and renewable energy developers in order to be successfully and appropriately sited and constructed.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD01444-01-3

1 (c) Local land use decisions are important to meeting the goals of the
2 CLCPA, but communities often do not have capacity or sufficient tools
3 and information to effectively plan for renewable energy siting.

4 (d) Community concerns regarding the potential impacts of large-scale
5 and distributed energy systems are different, but both can provide ener-
6 gy cost savings for residents and businesses in the community, local
7 infrastructure improvement, local tax revenue and economic benefits,
8 local job creation, and cleaner air.

9 (e) There has been a lack of information about the local benefits and
10 impacts of renewable energy development and the best ways for communi-
11 ties to maximize benefits while avoiding and mitigating impacts.

12 (f) A multi-pronged approach is necessary to provide communities,
13 including disadvantaged communities as designated under the CLCPA, with
14 the information, tools and funding necessary to support the appropriate
15 siting and acceptance of renewable energy sources, including wind,
16 solar, storage and transmission and distribution upgrades.

17 2. Intent. It is the intent of the legislature in enacting this title
18 to empower the authority to establish effective programs and mechanisms
19 to:

20 (a) Educate the public and build consensus on the benefits of a shift
21 to renewable energy, which will provide jobs, lower energy costs and
22 reduce price volatility, and reduce the need for fossil fuel based
23 power, bringing clean air and public health benefits and reduced green-
24 house gas emissions that lead to climate change and its impacts;

25 (b) Provide information and assistance to communities and local repre-
26 sentatives to promote the appropriate and successful siting of renewable
27 energy projects, including wind, solar, storage and transmission and
28 distribution system upgrades;

29 (c) Equip local governments with the tools and funding they need to
30 effectively consider natural and working lands, the potential for co-lo-
31 cation and dual-use solutions, effective utilization of previously
32 disturbed or developed sites, and protecting disadvantaged communities
33 when planning for clean energy projects in their communities; and

34 (d) Help communities develop and adopt local planning, zoning and
35 other policies that support the sustainable and equitable development of
36 local clean energy through processes that ensure and enhance public
37 outreach, education and engagement, particularly in frontline communi-
38 ties that have historically been disenfranchised and discriminated
39 against in the local land use decision-making process.

40 § 1911. Definitions. As used in this title, the following terms shall
41 have the following meanings:

42 1. "Authority" shall have the same meaning as in subdivision two of
43 section eighteen hundred fifty-one of this article.

44 2. "Departments" shall mean the department of environmental conserva-
45 tion, the department of agriculture and markets, the department of
46 economic development, and the department of public service.

47 3. "Disadvantaged communities" means communities that bear burdens of
48 negative public health effects, environmental pollution, and impacts of
49 climate change, and possess certain socioeconomic criteria, or comprise
50 high-concentrations of low- and moderate-income households, as identi-
51 fied pursuant to section 75-0111 of the environmental conservation law.

52 4. "Renewable energy facility" shall have the same meaning as renewa-
53 ble energy systems as defined in section sixty-six-p of the public
54 service law.

55 § 1912. Powers and duties. The authority is hereby authorized and
56 directed to undertake such actions it deems necessary or convenient to

1 establish a clean energy outreach and community planning program to
2 provide information, resources and funding to support the siting and
3 acceptance of renewable energy facilities, including, without limita-
4 tion:

5 1. Developing a community education and engagement program to inform
6 New Yorkers about the climate crisis and the benefits of shifting to a
7 clean energy economy and conducting outreach, providing information and
8 education, and building consensus on the environmental and local bene-
9 fits of renewable energy facilities. Such strategic education and
10 outreach shall include:

11 (a) Strong communication, engagement and public outreach to communi-
12 ties, including disadvantaged communities, to provide education and
13 information on maximizing the benefits that renewable energy projects
14 can provide while demonstrating strategies and solutions that are avail-
15 able to ensure that community impacts are minimized;

16 (b) Comprehensive education and outreach to local governments that may
17 host renewable energy facilities to provide objective information about
18 the impacts of clean energy development and mitigation opportunities;
19 and

20 (c) Facilitation of regional discussion forums for communities and
21 renewable energy developers to exchange information and ensure that all
22 have access to the same information necessary to support the appropriate
23 siting and acceptance of renewable energy facilities.

24 2. Collaborating with community stakeholders, the agriculture and
25 forestry sectors, the renewable energy industry, and utilities to devel-
26 op new renewable energy planning tools and resources for local govern-
27 ments. Such resources shall include a clean energy development mapping
28 tool to help municipal representatives and local communities make
29 informed land use decisions and communicate local priorities to develop-
30 ers.

31 (a) The clean energy development mapping tool should provide suffi-
32 cient information and guidance to allow communities to undertake a
33 comprehensive evaluation of the potential for clean energy development
34 and to plan proactively for deployment that maximizes local benefit and
35 minimizes impact on lands with agricultural soils, farming, forests, and
36 other competing uses.

37 (b) The clean energy development mapping tool should be designed to
38 facilitate participation by local governments, renewable energy develop-
39 ers and others in existing renewable energy siting and planning proc-
40 esses and programs administered by the authority and the public service
41 commission, including NY-Sun, large-scale renewables solicitations, and
42 the coordinated grid planning process.

43 (c) The clean energy development mapping tool should provide mapped
44 information on agricultural, environmental, energy system and other
45 resources relevant to renewable energy siting including, but not limited
46 to: land use cover data; disadvantaged communities as designated under
47 the CLCPA; previously disturbed and developed sites such as large roof-
48 tops, parking lots, landfills, etc.; agricultural soils and agricultural
49 districts; forests and important areas for biodiversity; wetlands,
50 floodplains, and waterbodies; historic, cultural, and archaeological
51 resources; public parks, preserves and recreational resources; conserved
52 and protected lands; hosting capacity; distribution, local transmission,
53 and transmission lines; and slope, aspect and landforms as relevant to
54 siting renewable energy facilities.

1 3. Providing technical assistance and training to local governments
2 and other stakeholders on the use of such tools and resources, including
3 the clean energy development mapping tool.

4 4. Contracting with and procuring the services of service providers,
5 including regional planning associations, non-profits, and community-
6 based organizations, to conduct outreach and education about clean ener-
7 gy benefits, develop new renewable energy planning tools and resources,
8 including a clean energy development mapping tool, and to provide tech-
9 nical assistance and training to municipalities to support the authori-
10 ty's responsibilities under this section and perform such other func-
11 tions as the authority deems appropriate.

12 5. Managing, allocating, and spending any monies made available to the
13 authority in furtherance of this title as the authority determines to be
14 appropriate for the proper administration of the program created pursu-
15 ant to this title.

16 6. Requesting and receiving the assistance of the departments or any
17 other state agency or authority, within their respective relevant
18 subject matter expertise, to support the administration of the program
19 created pursuant to this title.

20 § 1913. Funding. The authority may seek funding from any authorized or
21 other available source to administer the program created pursuant to
22 this title.

23 § 1914. Reporting. 1. Effective April first, two thousand twenty-four,
24 the authority shall issue an annual report regarding the effectiveness
25 of the program and providing recommendations for improvements to the
26 program. Such report shall include:

27 (a) the number and identity of communities and local governments
28 reached through the comprehensive education, engagement and outreach
29 effort;

30 (b) the number of regional discussion forums held for communities and
31 developers, and identification of attendees and description of outcomes;

32 (c) the number, description and status of renewable energy planning
33 tools and resources developed, including the clean energy development
34 mapping tool;

35 (d) the number and identity of local governments receiving technical
36 assistance and training on the clean energy mapping tool and other
37 resources;

38 (e) the number of service providers and contracts awarded;

39 (f) the amount of funds invested in the clean energy outreach and
40 community planning program; and

41 (g) any additional information relevant to assessing program effec-
42 tiveness.

43 2. The authority shall submit such report to the governor, the tempo-
44 rary president of the senate, and the speaker of the assembly. A copy of
45 the report shall also be posted on the authority's website.

46 § 2. This act shall take effect immediately and shall expire December
47 31, 2031 when upon such date this act shall be deemed repealed; provided
48 that such repeal shall not affect or impair any act done, any applica-
49 tion filed, any right, permit or authorization awarded, accrued,
50 received or acquired, or any liability incurred, prior to the time such
51 repeal takes effect, and provided further that any project for which the
52 New York state energy research and development authority has expended,
53 or committed to a third-party to expend, funds towards the development
54 of a build-ready site prior to such repeal shall be permitted to contin-
55 ue in accordance with title 9-C of article 8 of the public authorities
56 law notwithstanding such repeal.