STATE OF NEW YORK

5781

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sens. HARCKHAM, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to residential solar and energy storage permitting

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

Section 1. Paragraphs i and j of subdivision 1 of section 381 of the executive law, paragraph i as amended and paragraph j as added by section 3 of part T of chapter 57 of the laws of 2023, are amended and a new paragraph k is added to read as follows:

i. standards and procedures for measuring the rate of compliance with the state energy conservation construction code, and provisions requiring that such rate of compliance be measured on an annual basis; [~~and~~]

j. procedures requiring the documentation of compliance with regulations adopted pursuant to section thirteen hundred seventy-seven of the public health law as a condition to issuance of a certificate of occupancy or certificate of compliance following a periodic fire safety and property maintenance inspection for multiple dwellings[~~.~~]**; and**

k. (i) standards and procedures requiring:

(A) any authority having jurisdiction over a population exceeding five thousand residents to adopt a residential automated solar permitting platform by June thirtieth, two thousand twenty-six. The authority having jurisdiction shall anticipate that the residential automated solar permitting platform will have the capability to process at least seventy-five percent of residential solar applications for existing construction submitted to authorities having jurisdiction in the state.

(B) (1) authorities having jurisdiction to submit compliance reports to the department within sixty days of achieving compliance with clause (A) of this subparagraph, which shall include, but not be limited to:

(I) the date of compliance;

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

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(II) the software or a combination of software used for compliance;

(III) confirmation that the authority having jurisdiction is using a residential automated solar permitting platform to instantly issue permits and permit revisions for residential solar photovoltaic systems; and

(IV) an explanation for why the authority having jurisdiction anticipates the residential automated solar permitting platform has the capability to process at least seventy-five percent of the residential solar photovoltaic permit applications on existing construction submitted to authorities having jurisdiction in the state. This explanation may be based on, but is not necessarily limited to, statements from the software provider of the residential automated solar permitting platform.

(2) The department may establish guidelines for the reports pursuant to item one of this clause.

(3) The department may determine the accuracy of the authority having jurisdiction's report of compliance pursuant to clause one of this subparagraph. The department may also make such findings publicly available and may take necessary actions to enforce compliance with clause (A) of this subparagraph based on such findings.

(C) (1) authorities having jurisdiction to submit annual reports to the department on the usage of the residential automated solar permitting platform. Between April first, two thousand twenty-seven and April first, two thousand thirty-six, each authority having jurisdiction shall submit such reports annually by April first covering the previous calendar year. The department may establish guidelines for these reports. Such reports shall include the following:

(I) the number of permits issued through the residential automated solar permitting platform and relevant characteristics of those systems;

(II) the number of residential photovoltaic solar permits issued by means other than the residential automated solar permitting platform and relevant characteristics of those systems;

(III) the software or combination of software used for compliance;

(IV) confirmation that the authority having jurisdiction is using a residential automated solar permitting platform to issue permits instantly and issue permit revisions instantly for residential solar photovoltaic systems; and

(V) a plan to increase usage of the residential automated solar permitting platform if fewer than seventy-five percent of residential solar photovoltaic permits are issued through the automated permitting platform on existing construction.

(2) The department may determine the accuracy of the authority having jurisdiction's annual report pursuant to item one of this clause. The department may also make such findings publicly available and may take necessary actions, including but not limited to assessment of penalties, to enforce compliance with clause (A) of this subparagraph based on such findings.

(D) authorities having jurisdiction over a population exceeding five thousand residents to provide an option for remote inspections via recorded video or photo that can be submitted electronically for projects permitted by the residential automated solar permitting platform. Such inspections shall be offered at no greater cost and with no greater delay than in-person inspections.

(ii) An authority having jurisdiction that does not require a permit for residential photovoltaic solar systems is exempt from the requirements of this paragraph.

(iii) As used in this paragraph, the following terms shall have the following meanings:

(A) "Department" means the New York state energy research and development authority.

(B) "Residential automated solar permitting platform" means software or a combination of software designed to automate plan review, generate code-compliant approvals, accept online payments for permitting fees, if applicable, and instantly issue permits and permit revisions for residential photovoltaic systems upon online submission of a code-compliant application and payment of any required fees. Such platform shall be available for residential photovoltaic systems up to the maximum capacity allowed with a two hundred amp main service disconnect, installed in accordance with the residential code of New York state, as updated, that may also include an energy storage system up to the maximum capacity allowed under the residential code of New York state, a main panel upgrade, and/or a main breaker derate.

(C) "Authority having jurisdiction" shall refer to any city, town, village, county, or other governmental unit or agency responsible for the administration and enforcement of the uniform fire prevention and building code and the state energy conservation construction code, as defined in 19 NYCRR, section 1203.1, as updated.

§ 2. This act shall take effect immediately, provided, however, that the amendments to paragraphs i and j of subdivision 1 of section 381 of the executive law made by section one of this act shall take effect on the same date and in the same manner as section 3 of part T of chapter 57 of the laws of 2023, takes effect.