

# STATE OF NEW YORK

6286

2025-2026 Regular Sessions

## IN SENATE

March 7, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the public authorities law, in relation to establishing the agrivoltaics viability pilot program

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

1 Section 1. The public authorities law is amended by adding a new  
2 section 1885 to read as follows:

3 § 1885. Agrivoltaics viability pilot program. 1. Legislative intent.  
4 The legislature finds that as New York progresses to utilizing clean  
5 energy, the agricultural industry has an opportunity to play a substan-  
6 tial role in environmental conservation while also protecting and main-  
7 taining viable farmland through the practice of agrivoltaics. Dual-use  
8 solar energy projects have the potential to keep farmland as working  
9 agricultural landscapes providing economic benefits to farmers and  
10 assisting the state in reaching its climate and environmental impact  
11 goals. The legislature hereby declares that to progress the initiatives  
12 of the farmland viability program, the authority shall create an agri-  
13 voltaics viability pilot program.

14 2. Definitions. For purposes of this section, the following terms  
15 shall have the following meanings:

16 (a) "Agrivoltaics" shall mean the simultaneous use of areas of land  
17 for both solar power generation and agriculture. For the purposes of  
18 this section, agrivoltaics shall be narrowed to the practices of a dual-  
19 use solar energy project.

20 (b) "Dual-use solar energy project" means a solar installation that  
21 integrates solar arrays and farming activity on the same ground. To be  
22 considered dual-use, a solar installation cannot significantly displace  
23 farming activity; farming activity must be maintained throughout the  
24 life of the solar facility in a manner that is consistent with commer-  
25 cial agricultural production as appropriate to the capacity of the land.

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

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1 The term "dual-use" refers to a solar installation that: (i) retains or  
2 enhances the land's agricultural productivity, both short term and long  
3 term; (ii) is built, maintained, and has provisions for decommissioning  
4 to protect the land's agricultural resources and utility; and (iii)  
5 supports the viability of a farming operation.

6 3. Agrivoltaics viability pilot program. The authority shall initiate  
7 and maintain a state agrivoltaics viability pilot program in consulta-  
8 tion with the department of agriculture and markets. The agrivoltaics  
9 viability pilot program shall provide grants to identify the best prac-  
10 tices and strategies for dual-use solar energy projects that protect  
11 soil health during construction and decommissioning of solar arrays,  
12 utilize sustainable agricultural production practices, monitor any bene-  
13 fits solar energy may have on farms and to the state, track economic  
14 viability, study the commercialization of dual-use solar energy  
15 projects, and encourage equitable engagement of stakeholders.

16 (a) The authority, in consultation with the department of agriculture  
17 and markets, the public service commission, and the department of envi-  
18 ronmental conservation, shall adopt policies and procedures necessary  
19 for the implementation of the pilot program, including but not limited  
20 to: (i) the process by which a developer may apply for the approval  
21 needed to participate in the pilot program; provided, however, that such  
22 process shall require that the developer obtains the written consent of  
23 the landowner; and (ii) provisions prescribing standards concerning  
24 impervious cover which may be permitted in connection with dual-use  
25 solar energy projects authorized to be constructed, installed, and oper-  
26 ated on farmland pursuant to this section.

27 (b) One year after grants are distributed for the purposes of the  
28 pilot program and every two years thereafter, the authority shall report  
29 to the governor, the temporary president of the senate and the speaker  
30 of the assembly on the agrivoltaics viability pilot program and its  
31 results.

32 § 2. This act shall take effect six months after it shall have become  
33 a law. Effective immediately, the addition, amendment and/or repeal of  
34 any rule or regulation necessary for the implementation of this act on  
35 its effective date are authorized to be made and completed on or before  
36 such effective date.