STATE OF NEW YORK

7899--A

2025-2026 Regular Sessions

IN SENATE

May 13, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to giving priority to certain sites when developing renewable energy generating projects and to the definition of agrivoltaics

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

Section 1. Section 1901 of the public authorities law is amended by adding two new subdivisions 10 and 11 to read as follows:

10. "Agrivoltaics" shall mean the simultaneous use of areas of land for both solar power generation and agriculture through a ground-mounted photovoltaic solar energy system constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products and activities by an agricultural producer, provided that such use:

(a) is constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products consistent with commercial agricultural production, as soon as agronomically feasible and continuing until decommissioning, on land beneath or between rows of solar panels;

(b) has been intentionally planned and designed with agricultural producers or experts;

(c) has provisions for decommissioning to protect the land's agricultural resources and utility; and

(d) does not significantly displace farming activity.

11. "Agricultural products and activities" shall include: (a) crop production; (b) animal husbandry; and (c) livestock grazing or cattle grazing; provided, however, that agricultural products and activities shall not include sheep grazing as the sole farming activity except

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

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where the land utilized is currently utilized exclusively for such purpose; and provided further, however, that agricultural products and activities shall not include pollinator habitats, apiaries, or both as the sole farming activities.

§ 2. Paragraph (b) of subdivision 1 of section 1902 of the public authorities law, as amended by section 2 of part M of chapter 58 of the laws of 2024, is amended to read as follows:

(b) (i) In making such assessment the authority shall give priority to previously developed sites, existing or abandoned commercial sites, including without limitation brownfields, landfills, former commercial or industrial sites, dormant electric generating sites, **parking lots as defined in section one hundred twenty-nine-b of the vehicle and traffic law, warehouse distribution centers as defined in section seven hundred eighty of the labor law, correctional facilities as defined in article one of the corrections law, retail establishments of greater than twenty-five thousand square feet, roadside rest areas pursuant to section twenty of the highway law,** or otherwise underutilized sites; and

(ii) the authority may establish a renewable energy generation project in furtherance of an [~~agrivolatic~~] **agrivoltaics** project, [~~where "agrivoltaic project" shall mean the simultaneous use of areas of land for both solar power generation and agriculture, specific to the practice of such dual-use solar energy project,~~] where any of the previously developed sites listed in subparagraph (i) of this paragraph is reclaimed as farmland.

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 1901 of the public authorities law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further, however, that the amendments to paragraph (b) of subdivision 1 of section 1902 of the public authorities law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.