

# STATE OF NEW YORK

9830

## IN SENATE

April 7, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to enhanced community benefit agreements between renewable owners and host municipalities

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

1 Section 1. The public service law is amended by adding a new section  
2 138-a to read as follows:

3 § 138-a. Enhanced community benefit agreements. 1. For the purposes of  
4 this section, the following terms shall have the following meanings:

5 (a) "Renewable owner" means the owner of a major renewable energy  
6 facility constructed after the effective date of section eight of part  
7 JJJ of chapter fifty-eight of the laws of two thousand twenty that is  
8 proposed to be located in a host community, for which the New York state  
9 energy research and development authority has executed an agreement for  
10 the acquisition of environmental attributes related to a solicitation  
11 issued by such authority after the effective date of section eight of  
12 part JJJ of chapter fifty-eight of the laws of two thousand twenty.

13 (b) "Host municipality" means a municipality in which a major renewa-  
14 ble energy facility or a portion thereof is located.

15 (c) "Enhanced community benefit agreement" means a voluntary written  
16 agreement entered into between a renewable owner and the governing body  
17 of a host municipality providing for direct bill credits for residential  
18 customers pursuant to subdivision two of this section.

19 2. The commission shall establish a program under which renewable  
20 owners may enter into enhanced community benefit agreements with the  
21 governing body of host municipalities under which direct bill credits  
22 are offered to residential customers in such host municipalities. Such  
23 enhanced community benefit agreements shall be in addition to, and shall  
24 not supersede or alter, any mandatory discounts, credits, or compensato-  
25 ry or environmental benefits otherwise provided under the program estab-  
26 lished pursuant to section eight of part JJJ of chapter fifty-eight of  
27 the laws of two thousand twenty.

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

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1 3. An enhanced community benefit agreement shall:

2 (a) provide for bill credits to be applied directly by the utility  
3 corporation to the energy bills of residential customers located in the  
4 host municipality in which the major renewable energy facility is sited;

5 (b) specify the amounts of such bill credits, and the payment frequen-  
6 cy of such credits on a monthly, quarterly, or annual basis;

7 (c) be structured to maximize the direct financial benefits to resi-  
8 dential customers; and

9 (d) require any such credit to appear as an identified line item on  
10 each eligible residential customer's bill, naming the major renewable  
11 energy facility.

12 4. (a) Upon execution of an enhanced community benefit agreement, the  
13 renewable owner and host municipality shall jointly submit such enhanced  
14 community benefit agreement to the commission. The commission shall  
15 approve or deny such enhanced community benefit agreement within ninety  
16 days of such receipt, after making a determination of whether such  
17 enhanced community benefit agreement is in accordance with the  
18 provisions of this section and any rules and/or regulations promulgated  
19 thereunder.

20 (b) Upon approval of an enhanced community benefit agreement under  
21 paragraph (a) of this subdivision, the renewable owner shall issue cred-  
22 its to eligible residential customers in accordance with the terms of  
23 such enhanced community benefit agreement.

24 5. The commission shall promulgate rules and/or regulations to imple-  
25 ment the provisions of this section, which shall include but not be  
26 limited to:

27 (a) procedures for submitting an enhanced community benefit agreement  
28 to the commission for review pursuant to subdivision four of this  
29 section;

30 (b) administration of credits by major renewable energy facilities,  
31 including requirements under subdivision three of this section;

32 (c) reporting requirements for renewable owners that have entered into  
33 enhanced community benefit agreements, structured consistently with the  
34 reporting requirements under the program established pursuant to section  
35 eight of part JJJ of chapter fifty-eight of the laws of two thousand  
36 twenty; and

37 (d) any other rules and/or regulations the commission shall deem  
38 necessary to implement the provisions of this section.

39 § 2. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law; provided, however, that the amendments to  
41 article 8 of the public service law made by section one of this act  
42 shall not affect the repeal of such article and shall be deemed repealed  
43 therewith. Effective immediately, the addition, amendment and/or repeal  
44 of any rule or regulation necessary for the implementation of this act  
45 on its effective date are authorized to be made and completed on or  
46 before such effective date.