STATE OF NEW YORK

9830--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

(b) "Host municipality" means a municipality in which a major renewable energy facility or a portion thereof is located.

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

2. The commission shall establish a program under which renewable owners may enter into enhanced community benefit agreements with the governing body of host municipalities under which direct bill credits or other remunerative benefits, including but not limited to direct payments, are offered to residential customers in such host municipalities. Such enhanced community benefit agreements shall be in addition to, and shall not supersede or alter, any mandatory discounts,

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

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credits, or compensatory or environmental benefits otherwise provided under the program established pursuant to section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty.

3. An enhanced community benefit agreement shall:

(a) provide for benefits in the form of bill credits to be applied directly by the utility corporation to the energy bills of residential customers located in the host municipality in which the major renewable energy facility is sited, or other remunerative benefits including but not limited to direct payments;

(b) specify the amounts of such bill credits or other benefits, and the payment frequency of such credits or other benefits on a monthly, quarterly, or annual basis;

(c) be structured to maximize the direct financial benefits to residential customers; and

(d) when such benefits take the form of bill credits, require any such bill credit to appear as an identified line item on each eligible residential customer's bill, naming the major renewable energy facility.

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

(b) Upon approval of an enhanced community benefit agreement under paragraph (a) of this subdivision, the renewable owner shall issue credits or other benefits to eligible residential customers in accordance with the terms of such enhanced community benefit agreement.

5. The commission shall promulgate rules and/or regulations to implement the provisions of this section, which shall include but not be limited to:

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

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

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

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

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