STATE OF NEW YORK

6605

2023-2024 Regular Sessions

IN SENATE

April 28, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the New York city charter and the general municipal law, in relation to notice and inspection requirements for battery energy storage systems in a city with a population with one million or more

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

Section 1. Paragraphs 20, 21 and 22 of subdivision d of section 2800 of the New York city charter, paragraph 20 as amended by a vote of the people of the city of New York at the general election held in November 1989 and paragraphs 21 and 22 as amended by section 3 of question 3 of local law number 211 of the city of New York for the year 2018, are amended and two new paragraphs 23 and 24 are added to read as follows:

(20) Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries of residents of the community district; [~~and~~]

(21) Conduct substantial public outreach, including identifying the organizations active in the community district, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request; [~~and~~]

(22) With assistance and support from the department of information technology and telecommunications, maintain a website that provides adequate public notice of upcoming meetings, minutes from past meetings for the past twelve months, and contact information for the board[~~.~~]*;*

(23) Provide public notice to residents of the community district of any planned siting and construction of battery energy storage systems, as defined by section one hundred thirty-seven of the general municipal law, or related facilities, systems, infrastructure, or substations of any scale and possessing any storage capacity, including, but not limited to, those deploying lithium-ion batteries; and

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

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(24) Provide for annual safety inspections of any battery energy storage systems, as defined by section one hundred thirty-seven of the general municipal law, and related facilities, systems, infrastructure, and substations of any scale and possessing any storage capacity, including, but not limited to, those deploying lithium-ion batteries, located in the community district.

§ 2. The general municipal law is amended by adding a new section 137 to read as follows:

§ 137. Battery energy storage systems; public notice and community board compliance. 1. For the purposes of this section, "battery energy storage system" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system shall be classified as a tier one or tier two battery energy storage system as follows: (a) tier one battery energy storage systems shall possess an aggregate energy capacity less than or equal to six hundred kilowatt hours and, if in a room or enclosed area, consist of only a single energy storage system technology; (b) tier two battery energy storage systems shall possess an aggregate energy capacity greater than six hundred kilowatt hours or are comprised of more than one storage battery technology in a room or enclosed area.

2. Detailed notice of any planned siting and construction of battery energy storage systems or related facilities, systems, infrastructure, or substations of any scale and possessing any storage capacity, including, but not limited to, those deploying lithium-ion batteries, in a city with a population of one million or more, shall be provided to the community board of the community district where such planned siting and construction is located, in addition to details of all planned safety features included in such planned siting and construction.

3. An entity operating a battery energy storage system in a city with a population of one million or more shall submit to any requirements of the community board of the community district in which such battery energy storage system is located, regarding such community board's compliance with the notice and inspection requirements under paragraphs twenty-three and twenty-four of subdivision d of section twenty-eight hundred of the New York city charter.

§ 3. This act shall take effect immediately.