STATE OF NEW YORK

8914--A

IN SENATE

March 27, 2024

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

AN ACT to amend the general municipal law, in relation to siting of carport-mounted solar energy systems

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

Section 1. The general municipal law is amended by adding a new article 5-M to read as follows:

ARTICLE 5-M

CARPORT-MOUNTED SOLAR ENERGY SYSTEMS

Section 119-hh. Legislative intent.

119-ii. Carport-mounted solar energy systems.

§ 119-hh. Legislative intent. The legislature hereby declares that it is the policy of this state to foster and encourage the development of solar energy generating systems, to take advantage of a safe, abundant, renewable and non-polluting energy resource; to decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses; to increase employment and business development in the state, to the extent reasonably practical, by furthering the installation of solar energy systems; and to provide for the development of solar energy systems in non-residential zoning districts and mixed commercial and residential zoning districts.

§ 119-ii. Carport-mounted solar energy systems. 1. For the purposes of this article "carport-mounted solar energy system" shall mean a solar energy system not to exceed five megawatts of generating capacity which is located and mounted on a roof or structure above real property exclusively in use for vehicle parking.

2. No local government shall under any zoning ordinance, zoning law, or law or ordinance of general applicability which determines permissible uses in city, town, or village zoning districts, prohibit the

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

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construction, installation, or operation of a carport-mounted solar energy system with a nameplate capacity of five megawatts or less, in any non-residential zoning district or mixed commercial and residential zoning district of any such city, town or village, provided however, if the zoning district is a certified agricultural district the agricultural impacts of the projects shall be minimized to the extent practicable.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.