

# 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:

1 Section 1. The general municipal law is amended by adding a new arti-  
2 cle 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.

7 § 119-hh. Legislative intent. The legislature hereby declares that it  
8 is the policy of this state to foster and encourage the development of  
9 solar energy generating systems, to take advantage of a safe, abundant,  
10 renewable and non-polluting energy resource; to decrease the cost of  
11 electricity to the owners of residential and commercial properties,  
12 including single-family houses; to increase employment and business  
13 development in the state, to the extent reasonably practical, by  
14 furthering the installation of solar energy systems; and to provide for  
15 the development of solar energy systems in non-residential zoning  
16 districts and mixed commercial and residential zoning districts.

17 § 119-ii. Carport-mounted solar energy systems. 1. For the purposes of  
18 this article "carport-mounted solar energy system" shall mean a solar  
19 energy system not to exceed five megawatts of generating capacity which  
20 is located and mounted on a roof or structure above real property exclu-  
21 sively in use for vehicle parking.

22 2. No local government shall under any zoning ordinance, zoning law,  
23 or law or ordinance of general applicability which determines permissi-  
24 ble 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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1 construction, installation, or operation of a carport-mounted solar  
2 energy system with a nameplate capacity of five megawatts or less, in  
3 any non-residential zoning district or mixed commercial and residential  
4 zoning district of any such city, town or village, provided however, if  
5 the zoning district is a certified agricultural district the agricul-  
6 tural impacts of the projects shall be minimized to the extent practica-  
7 ble.

8 § 2. This act shall take effect on the first of January next succeed-  
9 ing the date on which it shall have become a law.