

# STATE OF NEW YORK

9620

## IN SENATE

May 16, 2024

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing the distributed generation for community solar siting commission

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

1 Section 1. Legislative intent. The Legislature finds and declares the  
2 following:

3 It is the policy of the State of New York as laid out in the Climate  
4 Leadership and Community Protection act (CLCPA) as well as other laws,  
5 regulations and proceedings of the public service commission, that by  
6 the year 2040, New York State will derive 100% of its energy from carbon  
7 free sources with an interim goal of 70% by 2030. Further, the state has  
8 and continues to move toward a carbon free future and a carbon free  
9 economy. As a part of this movement, NYS has adopted legislation and  
10 regulations related to community solar projects and worked through the  
11 NY Sun program and other means to assist in funding more distributed  
12 solar projects and encouraging investment and job creation in the clean  
13 energy sector. Audits by the Comptroller and reports from NYSERDA and  
14 other agencies have, however, begun to show a troubling pattern. New  
15 York is not on track to meet its energy goals, with many projects in the  
16 pipeline but fewer and fewer coming to fruition and completion. If our  
17 state does not triple its renewable energy capacity in the coming years,  
18 we will miss our 2030 goal. "Distributed Generation, including Community  
19 Distributed Generation ("CDG")" for "Community Solar" is one of the keys  
20 to New York meeting its stated goals, and yet, in this important sector,  
21 development is slowing, and local opposition is mounting. The legisla-  
22 ture wishes to discover the causes of this slowdown and evaluate policy  
23 recommendations that can accelerate the siting of community solar  
24 projects in support of our 2030 and 2040 goals.

25 § 2. The executive law is amended by adding a new article 49-D to read  
26 as follows:

### ARTICLE 49-D

#### DISTRIBUTED GENERATION FOR COMMUNITY SOLAR SITING COMMISSION

29 Section 997. Distributed generation for community solar siting commis-  
30 sion.

31 997-a. Powers and duties of the commission.

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

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1           997-b. Hearings.

2           997-c. Report.

3           § 997. Distributed generation for community solar siting commission.  
4 1. There is hereby created a distributed generation for community solar  
5 siting commission, which shall consist of the following nine members:

6           (a) three members appointed by the governor, one of whom must have a  
7 labor background; (b) two members appointed by the temporary president  
8 of the senate, at least one of whom must have a solar development back-  
9 ground; (c) two members appointed by the speaker of the assembly, at  
10 least one of whom must have an environmental background; (d) one member  
11 appointed by the minority leader of the senate; and (e) one member  
12 appointed by the minority leader of the assembly.

13           2. Members shall receive no compensation for their service, but may be  
14 reimbursed for reasonable expenses incurred during the performance of  
15 their duties.

16           3. Commission staff shall be provided by the energy and research  
17 development authority.

18           4. For purposes of this article "commission" shall mean the distrib-  
19 uted generation for community solar study commission.

20           § 997-a. Powers and duties of the commission. The commission shall  
21 examine the reasons for delays in the siting of community solar  
22 projects, identify those causes and examine solutions to accelerate  
23 development. The work of the commission shall include but not be limit-  
24 ed to:

25           1. Examining and evaluating state subsidy levels for community solar;

26           2. Examining and evaluating the siting process at the local level,  
27 looking for ways to streamline that process, considering possible  
28 avenues to incentivize local communities to welcome development, consid-  
29 ering whether localities are or should be allowed to impose greater  
30 standards than the state recommends, and developing "model" community  
31 solar siting laws and guidelines for localities;

32           3. Determining whether the office of renewable energy siting authority  
33 should be expanded to smaller community solar projects;

34           4. Examining the role of utility companies, including the intercon-  
35 nection process, costs and requirements;

36           5. Examining the role of the energy and research development authority  
37 in promoting community solar and assisting in bringing projects to frui-  
38 tion; and

39           6. Considering other factors impeding development that the commission  
40 shall deem relevant and important.

41           § 997-b. Hearings. The commission shall hold hearings in each region  
42 of the state defined in the same way as the regional economic develop-  
43 ment councils. Such hearings will include invited witnesses from the  
44 commission and should also include an opportunity for public comment  
45 either in person or in writing.

46           § 997-c. Report. Within one year of the effective date of this  
47 section, the commission shall issue a report. Such report shall provide  
48 a detailed analysis of the state of community solar, outline challenges  
49 that may be impeding its further advancement and make recommendations  
50 regarding changes in policies, laws, procedures and regulations that  
51 could have a positive impact in terms of increasing development, limit-  
52 ing delays and incentivizing local communities to be supportive. Such  
53 report shall be delivered to the governor and legislature.

54           § 3. This act shall take effect immediately.