STATE OF NEW YORK

10505

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stern) -- read once and referred to the Committee on Energy

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:

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

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

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

ARTICLE 49-D

DISTRIBUTED GENERATION FOR COMMUNITY SOLAR SITING COMMISSION

Section 997. Distributed generation for community solar siting commission.

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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997-b. Hearings.
997-c. Report.

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

(a) three members appointed by the governor, one of whom must have a labor background; (b) two members appointed by the temporary president of the senate, at least one of whom must have a solar development background; (c) two members appointed by the speaker of the assembly, at least one of whom must have an environmental background; (d) one member appointed by the minority leader of the senate; and (e) one member appointed by the minority leader of the assembly.

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

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

4. For purposes of this article "commission" shall mean the distributed generation for community solar study commission.

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

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

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

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

4. Examining the role of utility companies, including the interconnection process, costs and requirements;

5. Examining the role of the energy and research development authority in promoting community solar and assisting in bringing projects to fruition; and

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

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

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

§ 3. This act shall take effect immediately.