STATE OF NEW YORK

8489

IN ASSEMBLY

January 4, 2024

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, in relation to the renewable energy outreach and community planning assistance program; and to repeal certain provisions of the public authorities law and the executive law relating thereto

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

Section 1. The title heading of title 9-C of article 8 of the public authorities law, as added by a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, is amended to read as follows:

[~~CLEAN~~] **RENEWABLE** ENERGY OUTREACH AND COMMUNITY PLANNING **ASSISTANCE** PROGRAM

§ 2. Paragraph (e) of subdivision 1 and subdivision 2 of section 1910 of the public authorities law, as added by a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, are amended to read as follows:

(e) There has been a lack of information about the local benefits and impacts of renewable energy **technology** development and the best ways for communities to maximize benefits while avoiding and mitigating impacts.

2. Intent. It is the intent of the legislature in enacting this title to empower the authority to establish effective programs and mechanisms to:

(a) Educate the public and build consensus on the benefits of a shift to renewable energy **technologies**, which will provide jobs, lower energy costs and reduce price volatility, and reduce the need for fossil fuel

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

LBD01444-06-4

based power, bringing clean air and public health benefits and reduced greenhouse gas emissions that lead to climate change and its impacts;

(b) Provide information and assistance to communities and local representatives to promote the appropriate and successful siting of renewable energy projects, including wind, solar, storage and transmission and distribution system upgrades;

(c) Equip local governments with the tools they need to effectively consider natural and working lands, the potential for co-location and dual-use solutions, effective utilization of previously disturbed or developed sites, and protecting disadvantaged communities when planning for [~~clean~~] **renewable** energy projects in their communities; and

(d) Help communities develop and adopt local planning, zoning and other policies that support the sustainable and equitable development of local [~~clean~~] **renewable** energy **technology** through processes that ensure and enhance public outreach, education and engagement, particularly in frontline communities that have historically been disenfranchised and discriminated against in the local land use decision-making process.

§ 3. Subdivision 4 of section 1911 of the public authorities law, as added by a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, is amended and a new subdivision 5 is added to read as follows:

4. [~~"Renewable energy facility" shall have the same meaning as renewable energy systems as defined in section sixty-six-p of the public service law.~~] **"Renewable energy" shall have the same meaning as defined in section sixty-six-p of the public service law.**

5. "Renewable energy technology" shall mean all methods used to generate, distribute, store, and support the use of renewable energy systems.

§ 4. Section 1912 of the public authorities law, as added by a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, is amended to read as follows:

§ 1912. Powers and duties. The authority is hereby authorized and directed to undertake such actions it deems necessary or convenient to establish [~~a clean~~]**, augment, or expand existing renewable** energy outreach and community planning [~~program~~] **programs** to provide information, resources and technical assistance to support the siting**, development,** and acceptance of renewable energy [~~facilities~~] **technologies**, including:

1. Developing **and enhancing** a community education and engagement program to inform New Yorkers about the climate crisis and the benefits of shifting to a clean energy economy and conducting outreach, providing information and education, and building consensus on the environmental and local benefits of renewable energy [~~facilities~~] **technologies**. Such strategic education and outreach shall include:

(a) Effective communication, engagement and public outreach to communities, including disadvantaged communities, to provide education and information on maximizing the benefits that renewable energy [~~projects~~] **technologies** can provide while demonstrating strategies and solutions that are available to ensure that community **benefits are meaningful and negative** impacts are [~~minimized~~] **avoided, reduced, or mitigated**;

(b) Comprehensive education and outreach to local governments that may host renewable energy [~~facilities~~] technologies to provide objective information about the impacts of [~~clean~~] renewable energy development and mitigation opportunities; and

(c) Facilitation of [~~regional discussion~~] forums for communities [~~and~~], regions, renewable energy developers, and other stakeholders to exchange information and ensure that all have access to the [~~same~~] factual information necessary to support the appropriate siting of facilities and acceptance of renewable energy [~~facilities~~] technologies.

2. Collaborating with community stakeholders, the agriculture and forestry sectors, and the renewable energy industry to develop [~~new~~], facilitate, and provide centralized access to renewable energy planning [~~tools and~~] resources and assistance for local governments. Such resources shall include [~~a~~] publicly available [~~clean~~] data resources, including a mapping tool, related to renewable energy development [~~mapping tool~~] to help municipal representatives and local communities make informed land use decisions and communicate local priorities to developers.

(a) The [~~clean~~] renewable energy development [~~mapping tool~~] data resources, including a mapping tool, shall be available on the authority's website and shall provide sufficient information and guidance to allow communities to undertake a comprehensive evaluation of the potential for [~~clean~~] renewable energy development and to plan proactively for deployment that maximizes local benefit and [~~minimizes~~] avoids, reduces, or mitigates negative impact on lands with agricultural soils, farming, forests, and other competing uses.

(b) The [~~clean~~] renewable energy development [~~mapping tool~~] data resources may use publicly available [~~data~~] information and shall be designed to facilitate participation by local governments, renewable energy developers and [~~others~~] other stakeholders in existing renewable energy siting and planning processes.

(c) The [~~clean~~] renewable energy development [~~mapping tool~~] data resources shall provide [~~mapped~~], to the extent available information on agricultural, environmental, energy system and other resources relevant to renewable energy technology siting, [~~including, but not limited to~~] such as: land use cover data; disadvantaged communities; brownfields; previously disturbed and developed sites such as large rooftops, parking lots, landfills, etc.; agricultural soils and agricultural districts; forests; wetlands, floodplains, and waterbodies; historic, cultural, and archaeological resources; public parks, preserves and recreational resources; conserved and protected lands; hosting capacity; distribution, and transmission lines; and topography as relevant to siting renewable energy [~~facilities~~] technology.

3. Providing technical assistance and training to local governments and other stakeholders on the use of such [~~tools~~] information and resources, including the [~~clean~~] renewable energy development [~~mapping tool~~] data resources.

4. [~~Procuring~~] Consulting, collaborating with, and/or procuring the services of service providers, including, but not limited to: regional planning associations, non-profits, and community-based organizations, to conduct outreach and education about [~~clean~~] renewable energy benefits, develop new renewable energy planning tools and resources, including [~~a clean~~] renewable energy development [~~mapping tool~~] data resources, and to provide technical assistance and training to municipalities to support the authority's responsibilities under this section.

5. Managing, allocating, and spending any monies made available to the authority in furtherance of this title as the authority determines to be appropriate for the proper administration of the program created pursuant to this title.

6. Requesting and receiving the assistance of the departments or any other state agency or authority, within their respective relevant subject matter expertise, to support the administration of the program created pursuant to this title.

§ 5. Section 1913 of the public authorities law, as added by a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, is REPEALED and a new section 1913 is added to read as follows:

§ 1913. Reporting. 1. Effective April first, two thousand twenty-five, the authority shall issue an annual report regarding the renewable energy technology outreach and community planning assistance program, and provide recommendations for improvements to the program. Such report shall include:

(a) the number and identity of local governments directly reached through the education, engagement and outreach efforts;

(b) the number of forums held for communities, developers, and other stakeholders and description of the findings;

(c) the number, description and status of renewable energy technology planning tools and resources developed, including the mapping tool;

(d) the number of service providers and contracts awarded;

(e) the amount of funds invested in the renewable energy outreach and community planning assistance program; and

(f) any additional information relevant to assessing program effectiveness.

2. The authority shall submit such report to the governor, the temporary president of the senate, and the speaker of the assembly. A copy of the report shall also be posted on the authority's website.

§ 6. Paragraph (e) of subdivision 7 of section 94-c of the executive law, as added by a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, is REPEALED.

§ 7. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the public authorities law and the executive law relating to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program, as proposed in legislative bills numbers S. 2956-A and A. 2888-A, takes effect; provided that the amendments to title 9-C of article 8 of the public authorities law made by sections one, two, three, four, and five of this act shall not affect the repeal of such title and shall be deemed repealed therewith; provided further, however, that such repeal shall not affect or impair any act done, any application filed, any right, permit or authorization awarded, accrued, received or acquired, or any liability incurred, prior to the time such repeal takes effect.