STATE OF NEW YORK

2956--A

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

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

AN ACT to amend the public authorities law and the executive law, in relation to authorizing the New York state energy research and development authority to develop a clean energy outreach and community planning program; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Article 8 of the public authorities law is amended by adding a new title 9-C to read as follows:

TITLE 9-C

CLEAN ENERGY OUTREACH AND COMMUNITY PLANNING PROGRAM

Section 1910. Statement of legislative findings and intent.
1911. Definitions.
1912. Powers and duties.
1913. Funding.
1914. Reporting.

§ 1910. Statement of legislative findings and intent. 1. Findings. The legislature hereby finds, determines, and declares:

(a) New York will need to accelerate the deployment of renewable energy projects, both large-scale and distributed energy systems, in order to achieve the mandates of the New York state climate leadership and community protection act enacted as chapter one hundred six of the laws of two thousand nineteen (the "CLCPA").

(b) In addition to the authority's procurement programs and improved state permitting processes, renewable energy projects require collaboration between host communities and renewable energy developers in order to be successfully and appropriately sited and constructed.

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

LBD01444-05-3

(c) Local land use decisions are important to meeting the goals of the CLCPA, but communities often do not have capacity or sufficient tools and information to effectively plan for renewable energy siting.

(d) Community concerns regarding the potential impacts of large-scale and distributed energy systems are different, but both can provide energy cost savings for residents and businesses in the community, local infrastructure improvement, local tax revenue and economic benefits, local job creation, and cleaner air.

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

(f) A multi-pronged approach is necessary to provide communities, including disadvantaged communities as designated under the CLCPA, with the information and tools necessary to support the appropriate siting and acceptance of renewable energy sources, including wind, solar, storage and transmission and distribution upgrades.

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, which will provide jobs, lower energy costs and reduce price volatility, and reduce the need for fossil fuel 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 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 energy 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.

§ 1911. Definitions. As used in this title, the following terms shall have the following meanings:

1. "Authority" shall have the same meaning as in subdivision two of section eighteen hundred fifty-one of this article.

2. "Departments" shall mean the department of environmental conservation, the department of agriculture and markets, the department of economic development, and the department of public service.

3. "Disadvantaged communities" shall have the same meaning as defined in subdivision five of section 75-0101 of the environmental conservation law.

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.

§ 1912. Powers and duties. The authority is hereby authorized and directed to undertake such actions it deems necessary or convenient to establish a clean energy outreach and community planning program to

provide information, resources and technical assistance to support the siting and acceptance of renewable energy facilities, including:

1. Developing 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. 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 can provide while demonstrating strategies and solutions that are available to ensure that community impacts are minimized;

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

(c) Facilitation of regional discussion forums for communities and renewable energy developers to exchange information and ensure that all have access to the same information necessary to support the appropriate siting and acceptance of renewable energy facilities.

2. Collaborating with community stakeholders, the agriculture and forestry sectors and the renewable energy industry to develop new renewable energy planning tools and resources for local governments. Such resources shall include a publicly available clean 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 energy development 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 energy development and to plan proactively for deployment that maximizes local benefit and minimizes impact on lands with agricultural soils, farming, forests, and other competing uses.

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

(c) The clean energy development mapping tool shall provide mapped information on agricultural, environmental, energy system and other resources relevant to renewable energy siting, including, but not limited to: land use cover data; disadvantaged communities; 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.

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

4. Procuring the services of service providers, including regional planning associations, non-profits, and community-based organizations, to conduct outreach and education about clean energy benefits, develop new renewable energy planning tools and resources, including a clean

energy development mapping tool, 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.

§ 1913. Funding. 1. The authority may utilize fees collected by the office of renewable energy siting pursuant to paragraph (e) of subdivision seven of section ninety-four-c of the executive law to administer the program created pursuant to this title.

2. The authority shall annually notify the office of renewable energy siting of the amount necessary to fund such program.

§ 1914. Reporting. 1. Effective April first, two thousand twenty-four, the authority shall issue an annual report regarding the effectiveness of the program and providing recommendations for improvements to the program. Such report shall include:

(a) the number and identity of communities and local governments reached through the comprehensive education, engagement and outreach effort;

(b) the number of regional discussion forums held for communities and developers, and identification of attendees and description of outcomes;

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

(d) the number and identity of local governments receiving technical assistance and training on the clean energy mapping tool and other resources;

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

(f) the amount of funds invested in the clean energy outreach and community planning program; and

(g) 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.

§ 2. Subdivision 7 of section 94-c of the executive law is amended by adding a new paragraph (e) to read as follows:

(e) In addition to the fees established pursuant to paragraphs (a) and (d) of this subdivision, the office, pursuant to regulations adopted pursuant to this section, may assess a fee for the purpose of recovering costs the New York state energy research and development authority incurs pursuant to title nine-C of article eight of the public authorities law.

§ 3. This act shall take effect immediately and shall expire December 31, 2031 when upon such date this act shall be deemed repealed; provided that the amendments to section 94-c of the executive law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, 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, and provided

further that any project for which the New York state energy research and development authority has expended, or committed to a third-party to expend, funds towards the development of a build-ready site prior to such repeal shall be permitted to continue in accordance with title 9-C of article 8 of the public authorities law notwithstanding such repeal.