

STATE OF NEW YORK

8020

IN SENATE

January 5, 2024

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

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.

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

3 (b) Provide information and assistance to communities and local repre-
4 sentatives to promote the appropriate and successful siting of renewable
5 energy projects, including wind, solar, storage and transmission and
6 distribution system upgrades;

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

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

18 § 3. Subdivision 4 of section 1911 of the public authorities law, as
19 added by a chapter of the laws of 2023 amending the public authorities
20 law and the executive law relating to authorizing the New York state
21 energy research and development authority to develop a clean energy
22 outreach and community planning program, as proposed in legislative
23 bills numbers S. 2956-A and A. 2888-A, is amended and a new subdivision
24 5 is added to read as follows:

25 4. ~~["Renewable energy facility" shall have the same meaning as renewa-
26 ble energy systems as defined in section sixty-six p of the public
27 service law.]~~ "Renewable energy" shall have the same meaning as defined
28 in section sixty-six-p of the public service law.

29 5. "Renewable energy technology" shall mean all methods used to gener-
30 ate, distribute, store, and support the use of renewable energy systems.

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

37 § 1912. Powers and duties. The authority is hereby authorized and
38 directed to undertake such actions it deems necessary or convenient to
39 establish ~~[a-clean]~~, augment, or expand existing renewable energy
40 outreach and community planning ~~[program]~~ programs to provide informa-
41 tion, resources and technical assistance to support the siting, develop-
42 ment, and acceptance of renewable energy ~~[facilities]~~ technologies,
43 including:

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

50 (a) Effective communication, engagement and public outreach to commu-
51 nities, including disadvantaged communities, to provide education and
52 information on maximizing the benefits that renewable energy ~~[projects]~~
53 technologies can provide while demonstrating strategies and solutions
54 that are available to ensure that community benefits are meaningful and
55 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]~~ actual 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.

1 5. Managing, allocating, and spending any monies made available to the
2 authority in furtherance of this title as the authority determines to be
3 appropriate for the proper administration of the program created pursu-
4 ant to this title.

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

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

16 § 1913. Reporting. 1. Effective April first, two thousand twenty-five,
17 the authority shall issue an annual report regarding the renewable ener-
18 gy technology outreach and community planning assistance program, and
19 provide recommendations for improvements to the program. Such report
20 shall include:

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

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

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

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

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

30 (f) any additional information relevant to assessing program effec-
31 tiveness.

32 2. The authority shall submit such report to the governor, the tempo-
33 rary president of the senate, and the speaker of the assembly. A copy of
34 the report shall also be posted on the authority's website.

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

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