

# STATE OF NEW YORK

8914

## IN SENATE

March 27, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, in relation to community energy project siting

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

1 Section 1. The energy law is amended by adding a new article 13 to  
2 read as follows:

### ARTICLE 13

#### COMMUNITY ENERGY PROJECT SITING

#### Section 13-101. Legislative intent.

#### 13-102. Application.

#### 13-103. Definitions.

#### 13-104. Community energy project siting.

3 § 13-101. Legislative intent. The legislature hereby declares that it  
4 is the policy of this state to foster and encourage the development of  
5 solar energy generating systems, to take advantage of a safe, abundant,  
6 renewable and non-polluting energy resource; to decrease the cost of  
7 electricity to the owners of residential and commercial properties,  
8 including single-family houses; to increase employment and business  
9 development in the state, to the extent reasonably practical, by  
10 furthering the installation of solar energy systems; and to provide for  
11 the development of solar energy systems in non-residential zoning  
12 districts and mixed commercial and residential zoning districts.

13 § 13-102. Application. For the purposes stated herein, this article  
14 shall supersede all state and local laws relating to the solar energy  
15 generating systems described in this article; provided, however, that  
16 nothing in this article shall be construed to prevent any local govern-  
17 ment from enacting or enforcing zoning ordinances or laws which deter-  
18 mine permissible uses or lot, bulk, or dimensional requirements in non-  
19 residential zoning districts or mixed commercial and residential zoning  
20 districts, or from enacting or enforcing local laws or ordinances of

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

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1 general applicability including laws or ordinances requiring site plan  
2 approval or special permit approval of a solar energy system permitted  
3 by this article, except that such local laws or ordinances shall not  
4 conflict with this article.

5 § 13-103. Definitions. As used in this article, the following terms  
6 shall have the following meanings:

7 1. "Solar energy system" or "solar energy generating system" means the  
8 components and subsystems required to convert solar energy into electric  
9 energy suitable for use when used in a vehicle carport-mounted solar  
10 energy system, building-integrated solar energy system or roof-mounted  
11 solar energy system. Such terms include, but are not limited to, solar  
12 panels and solar energy equipment.

13 2. "Vehicle carport-mounted solar energy system" means a solar energy  
14 system not to exceed two megawatts of generating capacity which is  
15 located above real property currently used for vehicle parking.

16 3. "Solar energy equipment" means electrical material, hardware,  
17 inverters, conduit, energy storage devices, or other electrical and  
18 photovoltaic equipment associated with the production and storage of  
19 electricity.

20 4. "Solar panel" means a photovoltaic device capable of collecting and  
21 converting solar energy into electricity.

22 5. "Nameplate capacity" means a solar energy system's maximum electric  
23 power output under optimal operating conditions.

24 § 13-104. Community energy project siting. No local government shall  
25 under any zoning ordinance, zoning law, or law or ordinance of general  
26 applicability which determines permissible uses in city, town, or  
27 village zoning districts, prohibit the construction, installation, or  
28 operation of solar energy generating systems with a nameplate capacity  
29 of two megawatts or less, in any non-residential zoning district or  
30 mixed commercial and residential zoning district of any such city, town  
31 or village, unless the zoning district is a certified agricultural  
32 district.

33 § 2. This act shall take effect on the first of January next succeed-  
34 ing the date on which it shall have become a law.