

# STATE OF NEW YORK

10268

## IN ASSEMBLY

February 20, 2026

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

AN ACT to amend the energy law, in relation to prohibiting certain battery energy storage systems within one thousand feet of a populated area, in a city with a population of one million or more

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

#### BATTERY ENERGY STORAGE SYSTEMS

##### Section 13-101. Definitions.

##### 13-102. Battery energy storage systems; prohibitions.

##### § 13-101. Definitions. For purposes of this article:

3 1. "Battery energy storage system" shall mean one or more devices,  
4 assembled together, capable of storing energy in order to supply elec-  
5 trical energy at a future time, not to include a stand-alone twelve-volt  
6 car battery or an electric motor vehicle. A battery energy storage  
7 system shall be classified as a tier one or tier two battery energy  
8 storage system as follows: (a) tier one battery energy storage systems  
9 shall possess an aggregate energy capacity less than or equal to six  
10 hundred kilowatt hours and, if in a room or enclosed area, consist of  
11 only a single energy storage system technology; (b) tier two battery  
12 energy storage systems shall possess an aggregate energy capacity great-  
13 er than six hundred kilowatt hours or are comprised of more than one  
14 storage battery technology in a room or enclosed area.

15 2. "Populated area" shall mean any residentially zoned area, school or  
16 hospital.

17 § 13-102. Battery energy storage systems; prohibitions. No tier two  
18 battery energy storage system shall be constructed or operated within  
19 one thousand feet of a populated area, in a city with a population of  
20 one million or more.

21 § 2. This act shall take effect immediately.

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

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