

# STATE OF NEW YORK

11120

## IN ASSEMBLY

April 24, 2026

Introduced by M. of A. KAY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to certain reforms for ORES oversight of siting of major renewable energy facilities and major electric transmission facilities

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

1 Section 1. Subdivision 2 of section 3-c of the public service law is  
2 amended by adding a new paragraph (g) to read as follows:

3 (g) ORES shall maintain a centralized, publicly accessible online  
4 dashboard that shall contain up-to-date information on all projects  
5 pursuant to siting permits pending or approved under article eight of  
6 this chapter. Such dashboard shall include, at a minimum, for each such  
7 project:

8 (i) name, location, and megawatt capacity;

9 (ii) current status of such project;

10 (iii) dates and status of all public comment periods and hearings;

11 (iv) links to relevant public documents, including application materi-  
12 als, deficiency letters, responses, and determinations;

13 (v) a summary of procedural milestones and anticipated timelines; and

14 (vi) a tracker for the status of applications submitted pursuant to  
15 subdivision one of section one hundred forty-two and subdivision one of  
16 section one hundred forty-three of this chapter, which shall include,  
17 but not be limited to:

18 (1) the date of submission;

19 (2) the date of determination of completeness; and

20 (3) if applicable, any notices and communications between ORES and the  
21 applicant, including extensions of the time period for a determination  
22 of application completeness.

23 § 2. Subdivisions 1, 5 and 6 of section 142 of the public service law,  
24 as added by section 11 of part 0 of chapter 58 of the laws of 2024, are  
25 amended to read as follows:

26 1. Notwithstanding any law to the contrary, ORES shall, within [~~sixty~~]  
27 ninety days of its receipt of an application for a siting permit with

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

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1 respect to a major renewable energy facility subject to this article  
2 determine whether the application is complete and notify the applicant  
3 of its determination. If ORES does not deem the application complete,  
4 ORES shall set forth in writing delivered to the applicant the reasons  
5 why it has determined the application to be incomplete. If ORES fails to  
6 make a determination within the foregoing [~~sixty-day~~] ninety day time  
7 period, the application shall be deemed complete; provided, however,  
8 that the applicant may consent to an extension of the [~~sixty-day~~] ninety  
9 day time period for determining application completeness. Provided,  
10 further, that no application may be complete without proof of consulta-  
11 tion with the municipality or political subdivision where the project is  
12 proposed to be located, or an agency thereof, prior to submission of an  
13 application to ORES, related to procedural and substantive requirements  
14 of local law.

15 5. (a) Following the expiration of the public comment period set forth  
16 in this section, and following the conclusion of a hearing undertaken  
17 pursuant to subdivision four of this section, ORES shall, in the case of  
18 a public comment period, issue a written summary of public comments and  
19 an assessment of comments received, and in the case of an adjudicatory  
20 hearing, the executive director or any person to whom the executive  
21 director has delegated such authority shall issue a final written hear-  
22 ing report. A final siting permit may only be issued if ORES makes a  
23 finding that the proposed project, together with any applicable uniform  
24 and site-specific standards and conditions, would comply with applicable  
25 laws and regulations. In making a final siting permit determination with  
26 respect to a major renewable energy facility, ORES may elect not to  
27 apply, in whole or in part, any local law or ordinance that would other-  
28 wise be applicable if it makes a finding that, as applied to the  
29 proposed facility, it is unreasonably burdensome in view of the CLCPA  
30 targets, and the environmental benefits.

31 (b) ORES may find a local law or ordinance unreasonably burdensome in  
32 view of the CLCPA targets and the environmental benefits under paragraph  
33 (a) of this subdivision only if ORES makes a written determination,  
34 supported by substantial evidence, that:

35 (i) such local law or ordinance would materially prevent or substan-  
36 tially impair the state's ability to meet its renewable energy and  
37 climate targets under the CLCPA; and

38 (ii) the public health and safety objectives served by such local law  
39 or ordinance cannot be reasonably addressed through alternative project  
40 designs, site-specific permit conditions, or mitigation measures.

41 (c) (i) If ORES determines to override a local law or ordinance under  
42 this subdivision, the relevant municipality may request a public hearing  
43 on such determination. Such request shall be made within twenty business  
44 days of such municipality's receipt of ORES's proposed findings under  
45 paragraph (b) of this subdivision.

46 (ii) ORES shall respond to a request under subparagraph (i) of this  
47 paragraph within fourteen business days of receipt. ORES shall hold the  
48 requested public hearing unless it determines in writing that such  
49 public hearing request raises no material issues of fact or law.

50 (iii) After holding a public hearing requested under this paragraph,  
51 or after denying the request for such public hearing, ORES shall issue  
52 final written findings addressing each concern raised by the requesting  
53 municipality.

54 6. (a) Notwithstanding any other deadline made applicable by this  
55 section, ORES shall make a final decision on a major renewable energy  
56 facility siting permit within one year from the date the application was

1 deemed complete, or within six months from the date the application was  
2 deemed complete if such application relates to a major renewable energy  
3 facility that is proposed to be sited on an existing or abandoned  
4 commercial use, including without limitation, brownfields, landfills,  
5 former commercial or industrial sites, dormant electric generating  
6 sites, and abandoned or otherwise underutilized sites, as further  
7 defined by the regulations promulgated by or in effect under this arti-  
8 cle. Unless ORES and the applicant have agreed to an extension and if a  
9 final siting permit decision has not been made by ORES within such time  
10 period, then such siting permit shall be deemed to have been automat-  
11 ically granted for all purposes set forth in this article and all  
12 uniform conditions or [~~site-specific~~] site-specific permit conditions  
13 issued for public comment shall constitute enforceable provisions of the  
14 siting permit; provided, however, any portion of which is to be located  
15 on the land of a landowner for which the applicant lacks an existing  
16 right-of-way agreement or valid and enforceable lease or easement for  
17 use of such relevant property, no such permit shall be automatically  
18 granted. The final siting permit related to a major renewable energy  
19 facility shall include a provision requiring the permittee to provide a  
20 host community benefit, which may be a host community benefit as deter-  
21 mined by the commission pursuant to section eight of part JJJ of chapter  
22 fifty-eight of the laws of two thousand twenty or such other project as  
23 determined by ORES or as subsequently agreed to between the applicant  
24 and the host community.

25 (b) Where uniform conditions constitute enforceable provisions of a  
26 siting permit under paragraph (a) of this subdivision, if such uniform  
27 conditions override or preempt more protective local laws or ordinances,  
28 ORES shall provide a written explanation including:

29 (i) why the local laws or ordinances cannot reasonably be met; and  
30 (ii) whether a tailored site-specific condition could achieve the same  
31 regulator objective.

32 (c) ORES shall expand its framework for uniform conditions as applied  
33 under paragraph (a) of this subdivision, to better accommodate locally  
34 significant concerns, including, but not limited to:

35 (i) ground and surface water quality, and impact on wells; and  
36 (ii) geological concerns including but not limited to seismic risk,  
37 soil stability and erosion, subsurface hydrogeology, and landslide or  
38 subsidence risk.

39 § 3. Subdivisions 7 and 8 of section 143 of the public service law, as  
40 added by section 11 of part 0 of chapter 58 of the laws of 2024, are  
41 amended to read as follows:

42 7. (a) Following the expiration of the public comment period set forth  
43 in this section, and following the conclusion of a hearing undertaken  
44 pursuant to subdivision six of this section, ORES shall, in the case of  
45 a public comment period, issue a written summary of public comments and  
46 an assessment of comments received, and in the case of an adjudicatory  
47 hearing, the executive officer or any person to whom the executive  
48 director has delegated such authority shall issue a final written hear-  
49 ing report. A final siting permit may only be issued if ORES makes a  
50 finding that the proposed project, together with any applicable uniform  
51 and site-specific standards and conditions, would comply with applicable  
52 laws and regulations. In making a final siting permit determination with  
53 respect to a major renewable energy facility or a major electric trans-  
54 mission facility, ORES may elect not to apply, in whole or in part, any  
55 local law or ordinance that would otherwise be applicable if it makes a  
56 finding that, as applied to the proposed facility, it is unreasonably

1 burdensome in view of the CLCPA targets, the environmental benefits, and  
2 in the case of a transmission facility, the public need for the proposed  
3 project.

4 (b) ORES may find a local law or ordinance unreasonably burdensome in  
5 view of the CLCPA targets and the environmental benefits under paragraph  
6 (a) of this subdivision only if ORES makes a written determination,  
7 supported by substantial evidence, that:

8 (i) such local law or ordinance would materially prevent or substan-  
9 tially impair the state's ability to meet its renewable energy and  
10 climate targets under the CLCPA; and

11 (ii) the public health and safety served by such local law or ordi-  
12 nance cannot be reasonably addressed through alternative project  
13 designs, site-specific permit conditions, or mitigation measures.

14 (c) (i) If ORES determines to override a local law or ordinance under  
15 this subdivision, the relevant municipality may request a public hearing  
16 on such determination. Such request shall be made within twenty business  
17 days of such municipality's receipt of ORES's proposed findings under  
18 paragraph (b) of this subdivision.

19 (ii) ORES shall respond to a request under subparagraph (i) of this  
20 paragraph within fourteen business days of receipt. ORES shall hold the  
21 requested public hearing unless it determines in writing that such  
22 public hearing request raises no material issues of fact or law.

23 (iii) After holding a public hearing requested under this paragraph,  
24 or after denying the request for such public hearing, ORES shall issue  
25 final written findings addressing each concern raised by the requesting  
26 municipality.

27 8. (a) Notwithstanding any other deadline made applicable by this  
28 section, ORES shall make a final decision on a siting permit within one  
29 year from the date the application was deemed complete. Unless ORES and  
30 the applicant have agreed to an extension and if a final siting permit  
31 decision has not been made by ORES within such time period, then such  
32 siting permit shall be deemed to have been automatically granted for all  
33 purposes set forth in this article and all uniform conditions or [~~site~~  
34 ~~specific~~] site-specific permit conditions issued for public comment  
35 shall constitute enforceable provisions of the siting permit; provided,  
36 however, that with respect to a final siting permit decision related to  
37 a major electric transmission facility, any portion of which is to be  
38 located on the land of a landowner for which the applicant lacks an  
39 existing right-of-way agreement and in which ORES has not made a public  
40 need determination, no such permit shall be automatically granted.

41 (b) Where uniform conditions constitute enforceable provisions of a  
42 siting permit under paragraph (a) of this subdivision, if such uniform  
43 conditions override or preempt more protective local laws or ordinances,  
44 ORES shall provide a written explanation including:

45 (i) why the local laws or ordinances cannot reasonably be met; and

46 (ii) whether a tailored site-specific condition could achieve the same  
47 regulator objective.

48 (c) ORES shall expand its framework for uniform conditions as applied  
49 under paragraph (a) of this subdivision, to better accommodate locally  
50 significant concerns, including, but not limited to:

51 (i) ground and surface water quality, and impact on wells; and

52 (ii) geological concerns including but not limited to seismic risk,  
53 soil stability and erosion, subsurface hydrogeology, and landslide or  
54 subsidence risk.

55 § 4. Section 3-c of the public service law is amended by adding a new  
56 subdivision 3 to read as follows:

1 3. For any public comment hearing operated by ORES:  
2 (a) anyone who pre-registers to speak during the public comment  
3 portion shall be given at least two minutes to speak; and  
4 (b) the transcript of public comments shall be part of the administra-  
5 tive record.

6 § 5. This act shall take effect on the one hundred eightieth day after  
7 it shall have become a law; provided, however that the amendments made  
8 to sections 3-c, 142 and 143 of the public service law made by sections  
9 one, two, three and four of this act shall not affect the repeal of such  
10 sections and shall expire and be deemed repealed therewith. Effective  
11 immediately, the addition, amendment and/or repeal of any rule or regu-  
12 lation necessary for the implementation of this act on its effective  
13 date are authorized to be made and completed on or before such effective  
14 date.