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:

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

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

(i) name, location, and megawatt capacity;

(ii) current status of such project;

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

(iv) links to relevant public documents, including application materials, deficiency letters, responses, and determinations;

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

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

(1) the date of submission;

(2) the date of determination of completeness; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. For any public comment hearing operated by ORES:

(a) anyone who pre-registers to speak during the public comment portion shall be given at least two minutes to speak; and

(b) the transcript of public comments shall be part of the administrative record.

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