

STATE OF NEW YORK

2720

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

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

AN ACT to amend the public authorities law, in relation to enacting the "solar for schools act"; providing for the repeal of such provisions upon expiration thereof; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "solar for schools act".

3 § 2. The public authorities law is amended by adding a new section
4 1885 to read as follows:

5 § 1885. Solar and geothermal for schools grant program. 1. For the
6 purposes of this article, the following terms shall have the following
7 meanings:

8 (a) "Eligible applicant" shall mean a public school district and shall
9 include school districts located in disadvantaged communities as defined
10 in section 75-0101 of the environmental conservation law.

11 (b) "Eligible project costs" shall mean any costs related to the
12 purchase and installation of equipment and any other costs related to a
13 solar or geothermal energy project.

14 (c) "Program" shall mean the solar and geothermal for schools grant
15 program established pursuant to subdivision two of this section.

16 (d) "Qualified provider" shall mean a person or business that can
17 evaluate, recommend, design, implement and install a solar or geothermal
18 energy project.

19 (e) "School facility" shall mean an educational building and surround-
20 ing premises owned by an eligible applicant.

21 (f) "Solar energy or geothermal project" shall mean a project at a
22 public school facility related to photovoltaic, solar thermal, geother-
23 mal, or any combination of the above devices that convert, transfer, or
24 store solar energy, geothermal energy, or both in or into usable forms

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

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1 of thermal energy, electric energy, or both. Projects shall not include
2 power purchase agreements.

3 (g) "Solar or geothermal facility site assessment" shall mean an eval-
4 uation of a school facility performed by a qualified provider to ascer-
5 tain whether a school facility is capable of supporting a solar energy
6 or geothermal project and estimates of the amounts by which an eligible
7 applicant's energy or operating costs will be reduced by a solar or
8 geothermal energy project.

9 2. (a) The authority, in coordination with the New York power authori-
10 ty, shall establish a solar and geothermal for schools grant program for
11 eligible applicants on a competitive basis.

12 (b) A grant awarded to an eligible applicant pursuant to this section
13 shall be eligible for fifty percent of project costs related to a solar
14 or geothermal energy project. Program funds shall be disbursed to
15 accepted applicants before work begins. Applicants shall include esti-
16 mates of other funding that they have received or expect to receive for
17 the project, such as funding from the federal Inflation Reduction Act of
18 2022, and the program shall not provide funding such that outside fund-
19 ing exceeds the total costs of the project. If applicants receive fund-
20 ing such that other funding exceeds the total project costs, they shall
21 return the excess to the state.

22 (c) The authority when awarding grants pursuant to this section shall
23 have the following powers and duties, including, but not limited to:

24 (i) establishing guidelines necessary to implement this article;

25 (ii) establishing processes through which eligible applicants may
26 apply for grant money;

27 (iii) developing standards for the conduct of a solar or geothermal
28 facility site assessment;

29 (iv) providing technical assistance to eligible applicants as appro-
30 priate, including, but not limited to, maintaining a list of qualified
31 providers;

32 (v) developing educational material about using purchasing, financing,
33 and maintaining solar or geothermal energy projects;

34 (vi) developing a financial risk and savings report that all solar or
35 geothermal energy projects approved under this article shall utilize and
36 update monthly for use by eligible applicants, and such report shall:

37 (A) be submitted quarterly and posted publicly on the authority's
38 website; and

39 (B) contain the following information, including, but not limited to:

40 (1) the total cost of the solar or geothermal energy project before
41 any deductible amounts;

42 (2) the total cost of the solar or geothermal energy project after any
43 deductible amounts;

44 (3) an analysis of energy and cost savings, including a calculation of
45 the kilowatts produced by the solar or geothermal energy project multi-
46 plied by the current cost of electricity per kilowatt hour, subtracted
47 from the total cost of electricity during the same billing period from
48 the previous year;

49 (4) solar renewable energy credit sales and savings; and

50 (5) operation and maintenance costs; and

51 (vii) providing information related to funding opportunities through
52 the federal Inflation Reduction Act of 2022.

53 (d) An eligible applicant shall submit an application on a form and in
54 a manner as determined by the authority. Such application shall include
55 the following:

1 (i) the results of a solar or geothermal facility site assessment
2 conducted by a qualified provider;

3 (ii) estimates of other funding that the applicant has received or
4 expect to receive for the project, such as funding from the federal
5 Inflation Reduction Act of 2022;

6 (iii) an affidavit stating that a contractor or subcontractor perform-
7 ing construction, reconstruction, demolition, or repair on a solar or
8 geothermal energy project funded under this article where such contrac-
9 tor or subcontractor states:

10 (A) such contractor or subcontractor possesses all valid licenses,
11 registrations or certificates required by the federal government, the
12 state of New York or local municipality that is necessary to do business
13 or perform applicable work;

14 (B) such contractor or subcontractor possesses certificates for work-
15 ers' compensation, unemployment insurance, and liability insurance;

16 (C) such contractor or subcontractor has not defaulted on a project,
17 declared bankruptcy, been debarred, or suspended on a project by the
18 federal government, the state of New York or any local municipality
19 within the previous three years;

20 (D) such contractor or subcontractor has not been convicted of a
21 misdemeanor or felony relating to the performance or operation of the
22 business of the contractor or subcontractor within the previous ten
23 years; and

24 (E) such contractor or subcontractor has completed a minimum of the
25 United States federal occupational safety and health administration's
26 ten-hour safety training course or similar training sufficient to
27 prepare workers for any hazards that may be encountered during such
28 contractor's or subcontractor's work; and

29 (iv) prior to the time period established by the authority to submit
30 an application, the authority shall solicit and fulfill requests for
31 technical assistance from eligible applicants.

32 (e) Each applicant shall seek funding under the federal Inflation
33 Reduction Act of 2022 unless that funding no longer exists.

34 (f) All solar energy or geothermal projects subject to this section
35 shall be deemed public work and subject to and performed in accordance
36 with articles eight and nine of the labor law. Each contract for such
37 renewable energy generating project shall contain a provision that such
38 projects may only be undertaken pursuant to a project labor agreement.
39 For purposes of this section, "project labor agreement" shall mean a
40 pre-hire collective bargaining agreement between the authority, or a
41 third party on behalf of the authority, and a bona fide building and
42 construction trade labor organization establishing the labor organiza-
43 tion as the collective bargaining representative for all persons who
44 will perform work on a public work project, and which provides that only
45 contractors and subcontractors who sign a pre-negotiated agreement with
46 the labor organization can perform project work. All contractors and
47 subcontractors associated with this work shall be required to utilize
48 apprenticeship agreements as defined by article twenty-three of the
49 labor law.

50 (g) The authority shall include requirements in any procurement or
51 development of a solar energy or geothermal project, as defined in this
52 section, that the components and parts shall be produced or made in
53 whole or substantial part in the United States, its territories or
54 possessions. The authority's president and chief executive officer, or
55 designee may waive the procurement and development requirements set
56 forth in this paragraph if such official determines that: the require-

ments would not be in the public interest; the requirements would result in unreasonable costs; obtaining such infrastructure components and parts in the United States would increase the cost of a renewable energy generating project by an unreasonable amount; or such components or parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and such determination shall be made publicly available, in writing, on the authority's website with a detailed explanation of the findings leading to such determination. If the authority's president and chief executive officer, or designee, has issued determinations for three consecutive years finding that no such waiver is warranted pursuant to this paragraph, then the authority shall no longer be required to provide the annual determination required by this paragraph.

(h) (i) Nothing in this section shall alter the rights or benefits, and privileges, including, but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership, of any current employees of a public school.

(ii) Nothing in this article shall result in: (A) the discharge, displacement, or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits; (B) the impairment of existing collective bargaining agreements; (C) the transfer of existing duties and functions; or (D) the transfer of future duties and functions, of any currently employed worker of the state or any agency, public school, public authority or the state university of New York.

(i) The authority shall develop a rubric to prioritize the grant awards pursuant to this section. Such rubric shall consider all the following:

(i) the geographical disbursement of grants throughout the state of New York based on applications received;

(ii) the amount of solar or geothermal energy projected to be produced relative to the existing energy usage at the school facility proposed for the solar or geothermal energy project;

(iii) whether the eligible applicant qualifies for the low-income communities bonus credit program established under the federal Inflation Reduction Act of 2022;

(iv) whether such eligible applicant is located within a disadvantaged community as defined in section 75-0101 of the environmental conservation law;

(v) the projected average annual number of days with maximum temperatures above ninety degrees Fahrenheit in the year two thousand fifty;

(vi) the percentage of classrooms without air conditioning at the school facility proposed for the solar or geothermal energy project;

(vii) the general emission reduction opportunity presented by the solar or geothermic energy project; and

(viii) asthma rates in the area where such eligible applicant is located.

(j) The authority may use up to three percent of the money appropriated for the program to pay for the direct costs associated with the administration of the program, including providing technical assistance to eligible applicants.

(k) Within amounts appropriated therefor and based on availability of funds, beginning with the academic year following the effective date of this section, and annually thereafter until the end of the two thousand

1 thirty-five--two thousand thirty-six academic year, awards shall be
2 granted to applicants for the solar and geothermal for schools grant
3 program the authority has determined are eligible to receive such
4 awards.

5 § 3. The sum of five hundred million dollars (\$500,000,000), or so
6 much thereof as may be necessary, is hereby appropriated to the New York
7 state energy research and development authority out of the moneys in the
8 state treasury in the general fund to the credit of the solar and geoth-
9 ermal schools grant program, not otherwise appropriated, and made imme-
10 diately available, for the purpose of carrying out the provisions of
11 this act. Such moneys shall be payable on the audit and warrant of the
12 comptroller on vouchers certified or approved by the New York state
13 energy research and development authority in the manner prescribed by
14 law.

15 § 4. This act shall take effect July 1, 2025 and shall expire 10 years
16 after such effective date when upon such date the provisions of this act
17 shall be deemed repealed. Effective immediately, the addition, amendment
18 and/or repeal of any rule or regulation necessary for the implementation
19 of this act on its effective date are authorized to be made and
20 completed on or before such date.