STATE OF NEW YORK

9297--A

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Energy -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to requiring host community benefits

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

Section 1. Host community benefit. 1. Definitions. For the purposes of this act, the following terms shall have the following meanings:

(a) "Data center" means all facilities, or a combination of facilities, under common ownership at the same site, that receive service from an electric corporation, gas corporation, or municipality, as defined in the public service law, or have applied or requested to receive such service, and have a peak demand of twenty megawatts or more that is used for:

(i) computing infrastructure, not including manufacturing;

(ii) data processing services;

(iii) web hosting services, not including software publishing;

(iv) streaming support services, not including streaming distribution; and

(v) other related services and functions as defined in rules and regulations promulgated by the commission.

(b) "Host community" shall mean any town or city within which a data center defined in paragraph (a) of this subdivision, or any portion thereof, has been proposed for development.

(c) "Eligible residential technologies" means:

(i) cold-climate heat pumps for space heating and cooling;

(ii) heat pump water heaters;

(iii) rooftop solar photovoltaic systems; and/or

(iv) behind-the-meter battery storage systems.

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

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(d) "Utility" means an electric distribution utility corporation regulated pursuant to section 66 of the public service law.

2. Each new data center, or any existing data center undergoing a major expansion that will meet or exceed twenty megawatts of additional load, shall, pursuant to subdivision three of this section, fund a program to: (a) provide a discount or credit on the electric utility bills of the local utility's residential customers in a host community; or (b) install eligible residential technologies for such customers.

3. The public service commission shall, within ninety days from the effective date of this subdivision, commence a proceeding to establish a program under which data center owners would be required to fund a program to provide a discount or credit on the electric utility bills of the utility's customers in a host community, or to install eligible residential technologies for such customers. Such proceeding shall establish a process to notify host communities and allow such community to indicate whether discounts or credits on utility bills or the installation of any eligible residential technologies is their preferred use of program funding. Such proceeding shall further determine the amount of such discount, credit, or amount of eligible residential technologies to be installed based on all factors deemed appropriate by the commission, including the expected average electrical demand of the facility, the average number of customers within the data center host community, and the expected aggregate annual electric consumption within such host community, and shall include prioritization of low- and moderate-income households and disadvantaged communities, as defined in subdivision five of section 75-0101 of the environmental conservation law, and the role of utilities, if any, in implementing any aspect of such program.

§ 2. The Long Island Power Authority shall establish a program for data centers within its service territory to achieve the same objectives as set forth and described in section one of this act.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however, subdivision three of section one of this act shall take effect immediately. 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.