

STATE OF NEW YORK

5781

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sens. HARCKHAM, JACKSON -- read twice and ordered printed,
and when printed to be committed to the Committee on Housing,
Construction and Community Development

AN ACT to amend the executive law, in relation to residential solar and
energy storage permitting

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

1 Section 1. Paragraphs i and j of subdivision 1 of section 381 of the
2 executive law, paragraph i as amended and paragraph j as added by
3 section 3 of part T of chapter 57 of the laws of 2023, are amended and a
4 new paragraph k is added to read as follows:

5 i. standards and procedures for measuring the rate of compliance with
6 the state energy conservation construction code, and provisions requir-
7 ing that such rate of compliance be measured on an annual basis; ~~and~~

8 j. procedures requiring the documentation of compliance with regu-
9 lations adopted pursuant to section thirteen hundred seventy-seven of
10 the public health law as a condition to issuance of a certificate of
11 occupancy or certificate of compliance following a periodic fire safety
12 and property maintenance inspection for multiple dwellings~~[-]; and~~

13 k. (i) standards and procedures requiring:

14 (A) any authority having jurisdiction over a population exceeding five
15 thousand residents to adopt a residential automated solar permitting
16 platform by June thirtieth, two thousand twenty-six. The authority
17 having jurisdiction shall anticipate that the residential automated
18 solar permitting platform will have the capability to process at least
19 seventy-five percent of residential solar applications for existing
20 construction submitted to authorities having jurisdiction in the state.

21 (B) (1) authorities having jurisdiction to submit compliance reports
22 to the department within sixty days of achieving compliance with clause
23 (A) of this subparagraph, which shall include, but not be limited to:

24 (I) the date of compliance;

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

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1 (II) the software or a combination of software used for compliance;
2 (III) confirmation that the authority having jurisdiction is using a
3 residential automated solar permitting platform to instantly issue
4 permits and permit revisions for residential solar photovoltaic systems;
5 and

6 (IV) an explanation for why the authority having jurisdiction antic-
7 ipates the residential automated solar permitting platform has the capa-
8 bility to process at least seventy-five percent of the residential solar
9 photovoltaic permit applications on existing construction submitted to
10 authorities having jurisdiction in the state. This explanation may be
11 based on, but is not necessarily limited to, statements from the soft-
12 ware provider of the residential automated solar permitting platform.

13 (2) The department may establish guidelines for the reports pursuant
14 to item one of this clause.

15 (3) The department may determine the accuracy of the authority having
16 jurisdiction's report of compliance pursuant to clause one of this
17 subparagraph. The department may also make such findings publicly avail-
18 able and may take necessary actions to enforce compliance with clause
19 (A) of this subparagraph based on such findings.

20 (C) (1) authorities having jurisdiction to submit annual reports to
21 the department on the usage of the residential automated solar permit-
22 ting platform. Between April first, two thousand twenty-seven and April
23 first, two thousand thirty-six, each authority having jurisdiction shall
24 submit such reports annually by April first covering the previous calen-
25 dar year. The department may establish guidelines for these reports.
26 Such reports shall include the following:

27 (I) the number of permits issued through the residential automated
28 solar permitting platform and relevant characteristics of those systems;

29 (II) the number of residential photovoltaic solar permits issued by
30 means other than the residential automated solar permitting platform and
31 relevant characteristics of those systems;

32 (III) the software or combination of software used for compliance;

33 (IV) confirmation that the authority having jurisdiction is using a
34 residential automated solar permitting platform to issue permits
35 instantly and issue permit revisions instantly for residential solar
36 photovoltaic systems; and

37 (V) a plan to increase usage of the residential automated solar
38 permitting platform if fewer than seventy-five percent of residential
39 solar photovoltaic permits are issued through the automated permitting
40 platform on existing construction.

41 (2) The department may determine the accuracy of the authority having
42 jurisdiction's annual report pursuant to item one of this clause. The
43 department may also make such findings publicly available and may take
44 necessary actions, including but not limited to assessment of penalties,
45 to enforce compliance with clause (A) of this subparagraph based on such
46 findings.

47 (D) authorities having jurisdiction over a population exceeding five
48 thousand residents to provide an option for remote inspections via
49 recorded video or photo that can be submitted electronically for
50 projects permitted by the residential automated solar permitting plat-
51 form. Such inspections shall be offered at no greater cost and with no
52 greater delay than in-person inspections.

53 (ii) An authority having jurisdiction that does not require a permit
54 for residential photovoltaic solar systems is exempt from the require-
55 ments of this paragraph.

1 (iii) As used in this paragraph, the following terms shall have the
2 following meanings:

3 (A) "Department" means the New York state energy research and develop-
4 ment authority.

5 (B) "Residential automated solar permitting platform" means software
6 or a combination of software designed to automate plan review, generate
7 code-compliant approvals, accept online payments for permitting fees, if
8 applicable, and instantly issue permits and permit revisions for resi-
9 dential photovoltaic systems upon online submission of a code-compliant
10 application and payment of any required fees. Such platform shall be
11 available for residential photovoltaic systems up to the maximum capaci-
12 ty allowed with a two hundred amp main service disconnect, installed in
13 accordance with the residential code of New York state, as updated, that
14 may also include an energy storage system up to the maximum capacity
15 allowed under the residential code of New York state, a main panel
16 upgrade, and/or a main breaker derate.

17 (C) "Authority having jurisdiction" shall refer to any city, town,
18 village, county, or other governmental unit or agency responsible for
19 the administration and enforcement of the uniform fire prevention and
20 building code and the state energy conservation construction code, as
21 defined in 19 NYCRR, section 1203.1, as updated.

22 § 2. This act shall take effect immediately, provided, however, that
23 the amendments to paragraphs i and j of subdivision 1 of section 381 of
24 the executive law made by section one of this act shall take effect on
25 the same date and in the same manner as section 3 of part T of chapter
26 57 of the laws of 2023, takes effect.