

# STATE OF NEW YORK

5781--A

2025-2026 Regular Sessions

## IN SENATE

February 28, 2025

Introduced by Sens. HARCKHAM, JACKSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, 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, if such a platform  
17 without any initial fee or subscription fee to the authority having  
18 jurisdiction is available. The authority having jurisdiction shall  
19 anticipate that the residential automated solar permitting platform will  
20 have the capability to process at least seventy-five percent of residen-

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

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1 tial solar applications for existing construction submitted to authori-  
2 ties having jurisdiction in the state.

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

6 (I) the date of compliance;

7 (II) the software or a combination of software used for compliance;

8 (III) confirmation that the authority having jurisdiction is using a  
9 residential automated solar permitting platform to instantly issue  
10 permits and permit revisions for residential solar photovoltaic systems;  
11 and

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

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

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

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

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

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

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

39 (IV) confirmation that the authority having jurisdiction is using a  
40 residential automated solar permitting platform to issue permits  
41 instantly and issue permit revisions instantly for residential solar  
42 photovoltaic systems; and

43 (V) a plan to increase usage of the residential automated solar  
44 permitting platform if fewer than seventy-five percent of residential  
45 solar photovoltaic permits are issued through the automated permitting  
46 platform on existing construction.

47 (2) The department may determine the accuracy of the authority having  
48 jurisdiction's annual report pursuant to item one of this clause. The  
49 department may also make such findings publicly available and may take  
50 necessary actions to enforce compliance with clause (A) of this subpara-  
51 graph based on such findings.

52 (D) authorities having jurisdiction over a population exceeding five  
53 thousand residents to provide an option for remote inspections via  
54 recorded video or photo that can be submitted electronically for  
55 projects permitted by the residential automated solar permitting plat-

1 form. Such inspections shall be offered at no greater cost and with no  
2 greater delay than in-person inspections.

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

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

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

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

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

27 § 2. This act shall take effect immediately, provided, however, that  
28 the amendments to paragraphs i and j of subdivision 1 of section 381 of  
29 the executive law made by section one of this act shall take effect on  
30 the same date and in the same manner as section 3 of part T of chapter  
31 57 of the laws of 2023, takes effect.