

STATE OF NEW YORK

9830--A

IN SENATE

April 7, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to enhanced community benefit agreements between renewable owners and host municipalities

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

1 Section 1. The public service law is amended by adding a new section
2 138-a to read as follows:

3 § 138-a. Enhanced community benefit agreements. 1. For the purposes of
4 this section, the following terms shall have the following meanings:

5 (a) "Renewable owner" means the owner of a major renewable energy
6 facility constructed after the effective date of section eight of part
7 JJJ of chapter fifty-eight of the laws of two thousand twenty that is
8 proposed to be located in a host community, for which the New York state
9 energy research and development authority has executed an agreement for
10 the acquisition of environmental attributes related to a solicitation
11 issued by such authority after the effective date of section eight of
12 part JJJ of chapter fifty-eight of the laws of two thousand twenty.

13 (b) "Host municipality" means a municipality in which a major renewa-
14 ble energy facility or a portion thereof is located.

15 (c) "Enhanced community benefit agreement" means a voluntary written
16 agreement entered into between a renewable owner and the governing body
17 of a host municipality providing for direct bill credits for residential
18 customers or other remunerative benefits pursuant to subdivision two of
19 this section.

20 2. The commission shall establish a program under which renewable
21 owners may enter into enhanced community benefit agreements with the
22 governing body of host municipalities under which direct bill credits or
23 other remunerative benefits, including but not limited to direct
24 payments, are offered to residential customers in such host munici-
25 palities. Such enhanced community benefit agreements shall be in addi-
26 tion to, and shall not supersede or alter, any mandatory discounts,

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

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1 credits, or compensatory or environmental benefits otherwise provided
2 under the program established pursuant to section eight of part JJJ of
3 chapter fifty-eight of the laws of two thousand twenty.

4 3. An enhanced community benefit agreement shall:

5 (a) provide for benefits in the form of bill credits to be applied
6 directly by the utility corporation to the energy bills of residential
7 customers located in the host municipality in which the major renewable
8 energy facility is sited, or other remunerative benefits including but
9 not limited to direct payments;

10 (b) specify the amounts of such bill credits or other benefits, and
11 the payment frequency of such credits or other benefits on a monthly,
12 quarterly, or annual basis;

13 (c) be structured to maximize the direct financial benefits to resi-
14 dential customers; and

15 (d) when such benefits take the form of bill credits, require any such
16 bill credit to appear as an identified line item on each eligible resi-
17 dential customer's bill, naming the major renewable energy facility.

18 4. (a) Upon execution of an enhanced community benefit agreement, the
19 renewable owner and host municipality shall jointly submit such enhanced
20 community benefit agreement to the commission. The commission shall
21 approve or deny such enhanced community benefit agreement within ninety
22 days of such receipt, after making a determination of whether such
23 enhanced community benefit agreement is in accordance with the
24 provisions of this section and any rules and/or regulations promulgated
25 thereunder.

26 (b) Upon approval of an enhanced community benefit agreement under
27 paragraph (a) of this subdivision, the renewable owner shall issue cred-
28 its or other benefits to eligible residential customers in accordance
29 with the terms of such enhanced community benefit agreement.

30 5. The commission shall promulgate rules and/or regulations to imple-
31 ment the provisions of this section, which shall include but not be
32 limited to:

33 (a) procedures for submitting an enhanced community benefit agreement
34 to the commission for review pursuant to subdivision four of this
35 section;

36 (b) administration of credits by major renewable energy facilities,
37 including requirements under subdivision three of this section;

38 (c) reporting requirements for renewable owners that have entered into
39 enhanced community benefit agreements, structured consistently with the
40 reporting requirements under the program established pursuant to section
41 eight of part JJJ of chapter fifty-eight of the laws of two thousand
42 twenty; and

43 (d) any other rules and/or regulations the commission shall deem
44 necessary to implement the provisions of this section.

45 § 2. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law; provided, however, that the amendments to
47 article 8 of the public service law made by section one of this act
48 shall not affect the repeal of such article and shall be deemed repealed
49 therewith. Effective immediately, the addition, amendment and/or repeal
50 of any rule or regulation necessary for the implementation of this act
51 on its effective date are authorized to be made and completed on or
52 before such effective date.