STATE OF NEW YORK

S. 9917 A. 10965

SENATE - ASSEMBLY

April 14, 2026

IN SENATE -- Introduced by Sen. WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

IN ASSEMBLY -- Introduced by M. of A. BOLOGNA -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to authorizing municipalities to require a permit for certain energy projects

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

Section 1. Legislative findings. It is the intent of the legislature to give control of the construction of renewable energy and battery storage systems in our cities, towns, and villages back to the people, where it belongs. New York is a home rule state. Our history has been built on the will of local communities. People get to make decisions over how their communities look in almost every facet, except when it comes to large-scale renewable energy projects. Renewable energy is not a special product that gets to trample over the rights of local communities. People should still have a say over whether or not battery storage systems or renewable energy generating facilities are built in their community. This legislation will protect municipalities from state overreach and give people the right, through their local government, to decide if they want renewable energy in their communities.

§ 2. Subdivision 1 of section 140 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1. No person shall commence the preparation of a site for, or begin the construction of, a major renewable energy facility in the state, or increase the capacity of an existing major renewable energy facility, without having first obtained a major renewable energy facility siting permit pursuant to this article**, and any permit required by the municipality or political subdivision in which such major renewable energy facility is or will be located**. Any major renewable energy facility subject to this article with respect to which a siting permit is issued

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

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shall not thereafter be built, maintained, or operated except in conformity with such major renewable energy facility siting permit**, any permit required by the municipality or political subdivision in which such major renewable energy facility is or will be located,** and any terms, limitations, or conditions contained therein, provided that nothing in this subdivision shall exempt such facility from compliance with federal laws and regulations.

§ 3. Subdivision 1 of section 141 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1. Except as provided in paragraph (b) of subdivision five of this section, no person shall commence the preparation of a site for, or begin the construction of, a major electric transmission facility in the state without having first obtained a siting permit pursuant to this article**, and any permit required by the municipality or political subdivision in which such major electric transmission facility is or will be located**. Any major electric transmission facility subject to this article with respect to which a siting permit is issued shall not thereafter be built, maintained, or operated except in conformity with such siting permit**, any permit required by the municipality or political subdivision in which such major electric transmission facility is or will be located,** and any terms, limitations, or conditions contained therein, provided that nothing in this subdivision shall exempt such facility from compliance with federal laws and regulations.

§ 4. Subdivision 2 of section 144 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

2. Notwithstanding any other provision of law, including without limitation article eight of the environmental conservation law and article VII of this chapter, [~~no~~] **any** other state agency, department or authority, or any municipality or political subdivision **in which a major renewable energy facility or major electric transmission facility is or will be sited,** or any agency thereof may[~~, except as expressly authorized under this article or the rules and regulations promulgated under this article,~~] require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of a major renewable energy facility or a major electric transmission facility with respect to which an application for a siting permit has been filed[~~, provided in the case of a municipality, political subdivision or an agency thereof, such entity has received notice of the filing of the application therefor~~]. Notwithstanding the foregoing, the department of environmental conservation shall be the permitting agency for permits issued pursuant to federally delegated or federally approved programs.

§ 5. Section 172 of the public service law is amended by adding a new subdivision 3 to read as follows:

3. Notwithstanding subdivision one of this section or any other provision of law, any municipality or political subdivision in which a major electric generating facility is to be sited may require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of such major electric generating facility.

§ 6. This act shall take effect immediately; provided, however, that:

(a) the amendments to subdivision 1 of section 140 of the public service law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(b) the amendments to subdivision 1 of section 141 of the public service law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

(c) the amendments to subdivision 2 of section 144 of the public service law made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.