

# STATE OF NEW YORK

10082

## IN ASSEMBLY

January 30, 2026

Introduced by M. of A. BOLOGNA -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to renewable energy projects; to amend the administrative code of the city of New York, the energy law, the general municipal law, the labor law, the public authorities law, the public health law, the public service law, the state finance law and the town law, in relation to making conforming changes; and to repeal certain provisions of the environmental conservation law, the public service law, chapter 355 of the laws of 2014, constituting the community risk and resiliency act, and chapter 106 of the laws of 2019, constituting the New York state climate leadership and community protection act, relating thereto

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

Section 1. Article 75 of the environmental conservation law is REPEALED.

§ 2. Paragraphs g, h and i of subdivision 1 of section 54-1523 of the environmental conservation law, as amended by section 1 of part KKK of chapter 58 of the laws of 2022, are amended to read as follows:

g. climate change adaptation planning and supporting studies, including but not limited to vulnerability assessment and risk analysis of municipal drinking water, wastewater, and transportation infrastructure; and

~~h. [to establish and implement easily replicated renewable energy projects, including solar arrays, heat pumps and wind turbines in public low income housing in suburban, urban and rural areas; and~~

~~i.]~~ land acquisition, including but not limited to flood mitigation and coastal riparian resiliency; provided, however, no monies shall be expended for acquisition by eminent domain.

§ 3. Section 66-p of the public service law is REPEALED.

§ 4. Sections 17-1 and 17-b of chapter 355 of the laws of 2014, constituting the community risk and resiliency act are REPEALED.

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

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§ 5. Sections 1, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of chapter 106 of the laws of 2019, constituting the New York state climate leadership and community protection act are REPEALED.

§ 6. Subdivision c of section 4-207.1 of the administrative code of the city of New York as added by local law number 99 of the city of New York for the year 2024, is amended to read as follows:

c. In meeting the requirements of subdivision b of this section, the department shall prioritize the installation of photovoltaic systems in disadvantaged communities, as defined by former section 75-0101 of the environmental conservation law.

§ 7. The third undesignated paragraph of subdivision a of section 25-120 of the administrative code of the city of New York, as added by local law number 172 of the city of New York for the year 2023, is amended to read as follows:

Disadvantaged community. The term "disadvantaged community" means a disadvantaged community identified pursuant to former section 75-0111 of the environmental conservation law.

§ 8. Subdivision 18-a of section 16-102 of the energy law, as added by chapter 374 of the laws of 2022, is amended to read as follows:

18-a. "Greenhouse gas" means "greenhouse gas" as defined in subdivision seven of former section 75-0101 of the environmental conservation law.

§ 9. Paragraph (d) of subdivision 1 of section 16-106 of the energy law, as added by chapter 374 of the laws of 2022, is amended to read as follows:

(d) To adopt regulations to achieve the purposes of this article. Such regulations shall ensure that compliance therewith will not result in a net increase in co-pollutant emissions or otherwise disproportionately burden disadvantaged communities [~~as identified by the climate justice working group established under section 75-0111 of the environmental conservation law~~]. In order to increase public participation and improve the efficacy of any efficiency standards adopted pursuant to subdivision (b) or (c) of this section, the president shall, before publication of a notice of proposed rule making, conduct public meetings to provide meaningful opportunities for public comment from all segments of the population that would be impacted by the standards or regulations, including persons living in disadvantaged communities [~~as identified by the climate justice working group established under section 75-0111 of the environmental conservation law~~];

§ 10. Subdivision 9 of section 8-0105 of the environmental conservation law, as added by chapter 840 of the laws of 2022, is amended to read as follows:

9. "Disadvantaged community" shall have the same meaning as subdivision five of former section 75-0101 of this chapter.

§ 11. Subdivisions 32 and 33 of section 27-1405 of the environmental conservation law, as added by section 1 of part LL of chapter 58 of the laws of 2022, are amended to read as follows:

32. "Disadvantaged community" shall mean a community that is identified pursuant to former section 75-0111 of this chapter.

33. "Renewable energy facility site" shall mean real property: (a) that is used for a renewable energy system, as defined in former section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

§ 12. Subdivision 3 of section 54-1511 of the environmental conservation law, as amended by section 1 of part S of chapter 58 of the laws of 2024, is amended to read as follows:

3. State assistance payments shall not exceed fifty percent of the project cost or two million dollars, whichever is less, provided however if a municipality meets criteria established by the department relating to either financial hardship or disadvantaged communities pursuant to former section 75-0101 of this chapter, the commissioner may authorize state assistance payments of up to eighty percent of the project cost or two million dollars, whichever is less. Such costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum eligible cost set forth in the contract. A determination of financial hardship shall be based on criteria that clearly indicates that the municipality is experiencing significant and widespread financial distress, with primary consideration given to whether a municipality has a median household income at or below eighty percent of the state median household income.

§ 13. Subdivision 4 of section 58-0101 of the environmental conservation law, as added by section 2 of part 00 of chapter 58 of the laws of 2022, is amended to read as follows:

4. "Disadvantaged communities" shall mean a community that is identified pursuant to former section 75-0111 of this chapter.

§ 14. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision 5 of section 70-0118 of the environmental conservation law, paragraph (a) of subdivision 1 as amended and paragraph (a) of subdivision 5 as added by chapter 49 of the laws of 2023, are amended to read as follows:

(a) "Disadvantaged communities" shall have the same meaning as subdivision five of former section 75-0101 of this chapter.

(a) relevant baseline data on existing burdens, including from relevant criteria used to designate the particular disadvantaged communities pursuant to subdivision one of former section 75-0111 of this chapter;

§ 15. Subdivisions 8 and 15 of section 76-0101 of the environmental conservation law, as amended by chapter 100 of the laws of 2025, are amended to read as follows:

8. "Covered greenhouse gas emissions" means, with respect to any entity, the total quantity of greenhouse gas emissions, expressed in metric tons of carbon dioxide equivalent, as defined in former section 75-0101 of this chapter, attributable to the total amount of fossil fuels extracted by that entity during the covered period, as well as the total amount of crude oil refined by that entity during the covered period. For the purposes of this article, covered greenhouse gas emissions include those emissions attributable to all fossil fuel extraction and refining worldwide by such entity and are not limited to such emissions within the state.

15. "Greenhouse gas" shall have the same definition as in former section 75-0101 of this chapter.

§ 16. Paragraph g of subdivision 2, paragraph h of subdivision 6, subdivision 7, and clause 1 of subparagraph (iii) of paragraph a of subdivision 10 of section 76-0103 of the environmental conservation law, paragraph g of subdivision 2, paragraph h of subdivision 6, and clause 1 of subparagraph (iii) of paragraph a of subdivision 10 as amended and subdivision 7 as added by chapter 100 of the laws of 2025, are amended to read as follows:

g. To allocate funds in such a way as to achieve a goal that at least forty percent of the qualified expenditures from the program, but not less than thirty-five percent of such expenditures, shall go to climate

1 change adaptive infrastructure projects that benefit disadvantaged  
2 communities as defined in former section 75-0101 of this chapter.

3 h. provide opportunities for public engagement in all regions of the  
4 state, including by holding at least two public hearings, one in-person  
5 and one virtual, with meaningful opportunities for participation and  
6 public comment from all segments of the population, including persons  
7 living in disadvantaged communities as identified pursuant to former  
8 section 75-0111 of this chapter, a minimum of sixty days' public notice  
9 in compliance with the provisions of article seven of the public offi-  
10 cers law, on a draft of the plan, a summary and analysis of the public  
11 comments and a description of any changes made to the plan based on the  
12 public comments received.

13 7. Total qualifying expenditures shall be allocated in such a way as  
14 to achieve a goal that at least forty percent of the qualified expendi-  
15 tures from the program, but not less than thirty-five percent of such  
16 expenditures, shall go to climate change adaptive infrastructure  
17 projects that benefit disadvantaged communities as defined in former  
18 section 75-0101 of this chapter.

19 (1) expenditures that benefit disadvantaged communities as defined in  
20 former section 75-0101 of this chapter;

21 § 17. Subdivision 21 of section 854 of the general municipal law, as  
22 added by section 5 of part X of chapter 59 of the laws of 2021, is  
23 amended to read as follows:

24 (21) "Renewable energy project" shall mean any project and associated  
25 real property on which the project is situated, that utilizes any system  
26 or equipment as set forth in section four hundred eighty-seven of the  
27 real property tax law or as defined pursuant to paragraph b of subdivi-  
28 sion one of former section sixty-six-p of the public service law as  
29 added by chapter one hundred six of the laws of two thousand nineteen.

30 § 18. Subdivisions 1 and 2 of section 224-d of the labor law, subdivi-  
31 sion 1 as amended by section 31 of part 0 of chapter 58 of the laws of  
32 2024 and subdivision 2 as added by section 2 of part AA of chapter 56 of  
33 the laws of 2021, are amended to read as follows:

34 1. For purposes of this section, a "covered renewable energy system"  
35 means (a) a renewable energy system, as such term is defined in former  
36 section sixty-six-p of the public service law, with a capacity of one or  
37 more megawatts alternating current and which involves the procurement of  
38 renewable energy credits by a public entity, or a company or corporation  
39 provided in subdivisions twenty-three and twenty-four of section two of  
40 the public service law, or a third party acting on behalf and for the  
41 benefit of a public entity; (b) any "thermal energy network" as defined  
42 by subdivision twenty-nine of section two of the public service law; (c)  
43 any offshore wind supply chain project, including but not limited to  
44 port infrastructure, primary component manufacturing, finished component  
45 manufacturing, subassembly manufacturing, subcomponent manufacturing, or  
46 raw material producers, or a combination thereof receiving direct fund-  
47 ing from the New York state energy research and development authority  
48 pursuant to an award under a New York state energy research and develop-  
49 ment authority solicitation; or (d) a "major utility transmission facil-  
50 ity" as such term is defined by section one hundred twenty of the public  
51 service law.

52 2. Notwithstanding the provisions of section two hundred twenty-four-a  
53 of this article, a covered renewable energy system shall be subject to  
54 prevailing wage requirements in accordance with sections two hundred  
55 twenty and two hundred twenty-b of this article. Provided that a renewa-  
56 ble energy system defined in former section sixty-six-p of the public

1 service law which is not considered to be covered by this section, may  
2 still otherwise be considered a "covered project" pursuant to section  
3 two hundred twenty-four-a of this article if it meets such definition.

4 § 19. Subparagraphs (iv) and (vii) of paragraph (i) of subdivision  
5 27-a, paragraph (a) and subparagraph (iv) of paragraph (c) of subdivi-  
6 sion 27-b, and paragraph (a) of subdivision 27-c of section 1005 of the  
7 public authorities law, subparagraphs (iv) and (vii) of paragraph (i) of  
8 subdivision 27-a as added by section 1, paragraph (a) and subparagraph  
9 (iv) of paragraph (c) of subdivision 27-b as added by section 2 and  
10 paragraph (a) of subdivision 27-c as added by section 5 of part QQ of  
11 chapter 56 of the laws of 2023, are amended to read as follows:

12 (iv) "Disadvantaged communities" has the meaning ascribed to that term  
13 by subdivision five of **former** section 75-0101 of the environmental  
14 conservation law.

15 (vii) "Renewable energy system" has the same meaning as **former** section  
16 sixty-six-p of the public service law.

17 (a) Definitions. For purposes of this subdivision, the following terms  
18 shall have the following meanings:

19 (i) "bill credit" means a monthly monetary credit which is funded by  
20 the authority, as further determined by the public service commission  
21 and appears on the utility bill of a low-income or moderate-income end-  
22 use electricity consumer located in a disadvantaged community, for  
23 renewable energy produced by renewable energy systems developed,  
24 constructed, owned, or contracted for by the power authority of the  
25 state of New York and injected into a distribution or transmission  
26 facility at one or more points in New York state, together with any  
27 enhanced incentive payments for a community distributed generation  
28 project serving a disadvantaged community provided for in paragraph (b)  
29 of subdivision seven of **former** section sixty-six-p of the public service  
30 law, together with any other funding made available by the authority for  
31 such purposes;

32 (ii) "disadvantaged community" means a community defined as a disad-  
33 vantaged community in accordance with article seventy-five of the envi-  
34 ronmental conservation law;

35 (iii) "jurisdictional load serving entity" has the same meaning as  
36 defined in paragraph (a) of subdivision one of **former** section  
37 sixty-six-p of the public service law;

38 (iv) "low-income or moderate-income end-use consumer" shall mean end-  
39 use customers of electric corporations and combination gas and electric  
40 corporations regulated by the public service commission whose income is  
41 found to be below the state median income based on household size;

42 (v) "renewable energy" means electrical energy produced by a renewable  
43 energy system;

44 (vi) "renewable energy systems" has the same meaning as defined in  
45 paragraph (b) of subdivision one of **former** section sixty-six-p of the  
46 public service law; and

47 (vii) "qualified energy storage system" has the same meaning as  
48 defined in subdivision one of section seventy-four of the public service  
49 law.

50 (iv) enter into contracts for purposes of implementing REACH, includ-  
51 ing but not limited to agreements with developers, owners and operators  
52 of renewable energy systems, and agreements with jurisdictional load  
53 serving entities and the Long Island power authority, or its service  
54 provider, to provide for bill credits to end-use electricity consumers  
55 in disadvantaged communities for renewable energy produced by renewable  
56 energy systems, upon terms and conditions approved by the public service



commission pursuant to subdivisions seven and eight of former section sixty-six-p of the public service law.

(a) Within two years of the effective date of this subdivision, the authority shall publish a plan providing for the proposed phase out, by December thirty-first, two thousand thirty, of the production of electric energy from its small natural gas power plants. The plan shall include a proposed strategy to replace, where appropriate, the small natural gas power plants with renewable energy systems, as defined in former section sixty-six-p of the public service law, including renewable energy generating projects authorized pursuant to subdivision twenty-seven-a of this section provided such projects shall be included in the strategic plan established pursuant to subdivision twenty-seven-a of this section. By December thirty-first, two thousand thirty, the authority shall cease production of electricity at each of its small natural gas power plants should the authority determine that such plant or plants, or the electricity production therefrom are not needed for any of the following purposes: (i) emergency power service; or (ii) electric system reliability, including but not limited to, operating facilities to maintain power system requirements for facility thermal limits, voltage limits, frequency limits, fault current duty limits, or dynamic stability limits, in accordance with the system reliability standards of the North American electric reliability corporation, criteria of the northeast power coordinating council, rules of the New York state reliability council, and as applicable, reliability rules of the utility in whose service territory a small natural gas power plant is located. Notwithstanding any other provision of this paragraph, the authority may continue to produce electric energy at any of the small natural gas power plants if existing or proposed replacement generation resources would result in more than a de minimis net increase of emissions of carbon dioxide or criteria air pollutants within a disadvantaged community as defined in subdivision five of former section 75-0101 of the environmental conservation law. The authority shall file deactivation notices with the federally designated electric bulk system operator for the state of New York for the purpose of ceasing electricity production from the small natural gas power plants in a timeframe sufficient to facilitate the cessation of electricity production pursuant to this paragraph.

§ 20. Subdivision 24, the opening paragraph of subdivision 25 and the opening paragraph of subdivision 26 of section 1854 of the public authorities law, as added by section 1 of part TT of chapter 56 of the laws of 2023, are amended to read as follows:

24. All revenues generated pursuant to regulations or actions taken by the department, the authority or any other state entity, pursuant to former sections 75-0107 and 75-0109 of the environmental conservation law, shall be placed into a segregated authority funding account, established pursuant to section eighteen hundred fifty-nine of this title, prior to programmatic or administrative allocation, and shall not be commingled with other authority funds.

Within thirty days following receipt of revenues generated pursuant to regulations or actions taken by the department, the authority or any other state entity pursuant to former sections 75-0107 and 75-0109 of the environmental conservation law, the authority shall make the following transfers from such segregated authority funding account:

Climate affordability study. The authority and the department of environmental conservation, in consultation with the division of the budget, the department of public service, and the department of taxation and

1 finance, shall conduct a study and issue a report with recommendations  
2 for the use of moneys transferred to the consumer climate action account  
3 established pursuant to section ninety-nine-qq of the state finance law.  
4 Such report shall be guided by the final scoping plan prepared pursuant  
5 to **former** section 75-0103 of the environmental conservation law and  
6 shall consider, among other things: (a) structure and distribution of  
7 benefits in an equitable manner, accounting for potential disproportion-  
8 ate impacts to low-income households and disadvantaged communities;  
9 (b) implementation of a variety of mechanisms to meet the varied needs  
10 of the people of the state, which may include direct payments, tax cred-  
11 its, transit vouchers, utility assistance, or other financial benefits  
12 that are reasonable and practicable; (c) financial benefits that ensure  
13 that individuals receiving means-tested government assistance receive  
14 benefits that will not constitute income for purposes of any such  
15 means-tested government assistance programs; and (d) benefit programs  
16 that limit the administrative effort required of recipients. Such study  
17 shall be completed by the first of January, two thousand twenty-four,  
18 and shall be delivered to the governor and the legislature.

19 § 21. Subdivisions 3 and 4 of section 1911 of the public authorities  
20 law, subdivision 3 as added by chapter 759 of the laws of 2023 and  
21 subdivision 4 as amended by chapter 106 of the laws of 2024, are amended  
22 to read as follows:

23 3. "Disadvantaged communities" shall have the same meaning as defined  
24 in subdivision five of **former** section 75-0101 of the environmental  
25 conservation law.

26 4. "Renewable energy" shall have the same meaning as defined in **former**  
27 section sixty-six-p of the public service law.

28 § 22. Paragraph (s) of subdivision 1 of section 207 of the public  
29 health law, as added by chapter 294 of the laws of 2024, is amended to  
30 read as follows:

31 (s) Promoting public awareness of the dangers of fatal and non-fatal  
32 drowning, including but not limited to the unique risk factors and expo-  
33 sures associated with infant and early drowning, childhood and teenage  
34 drowning and adult drowning, the disparate risk of drowning in disadvan-  
35 tagged communities identified pursuant to **former** section 75-0111 of the  
36 environmental conservation law and with individuals with a mental disa-  
37 bility as defined by subdivision three of section 1.03 of the mental  
38 hygiene law, and methods to reduce the risks of drowning, including but  
39 not limited to water safety instruction, swim lessons, and awareness of  
40 water based risks.

41 § 23. Subdivision 1 of section 66-r of the public service law, as  
42 added by section 2-a of part AA of chapter 56 of the laws of 2021, is  
43 amended to read as follows:

44 1. For the purposes of this section, a "covered renewable energy  
45 system" means a renewable energy system, as such term is defined in  
46 **former** section sixty-six-p of this article, with a capacity of greater  
47 than five megawatts alternating current and which involves the procure-  
48 ment of renewable energy credits by a public entity, or a third party  
49 acting on behalf and for the benefit of a public entity.

50 § 24. Subdivision 2 of section 66-t of the public service law, as  
51 added by chapter 375 of the laws of 2022, is amended to read as follows:

52 2. Within three months of the effective date of this section, each of  
53 the seven largest gas, electric, or combination gas and electric corpo-  
54 rations shall submit to the commission for review and approval at least  
55 one and as many as five proposed pilot thermal energy network projects.  
56 In developing the pilot project proposals, at least one pilot project in

1 each utility territory shall be proposed in a disadvantaged community as  
2 defined in subdivision five of **former** section 75-0101 of the environ-  
3 mental conservation law, and if a utility proposes four or more pilot  
4 projects, at least two shall be proposed in disadvantaged communities.  
5 Each utility shall coordinate with other utility participants, the New  
6 York state energy research and development authority, and consultants  
7 with expertise on successful pilot projects to ensure that the pilot  
8 projects are diverse and designed to inform the commission's decisions  
9 in the proceeding on the various ownership, market, and rate structures  
10 for thermal energy networks. The pilot project proposals shall include  
11 specific customer protection plans and shall be made publicly available  
12 on the commission's website and shall be subject to a public comment  
13 period of no less than thirty days. Within six months of the effective  
14 date of this section, the commission shall determine whether it is in  
15 the public interest to approve or modify such pilot thermal energy  
16 network projects and shall issue an order directing each gas, electric  
17 or combination gas and electric corporation to implement such proposed  
18 or modified pilot thermal energy network projects. In considering wheth-  
19 er pilot thermal energy network projects are in the public interest, the  
20 commission shall consider whether the pilot project will develop infor-  
21 mation useful for the commission's promulgation of regulations governing  
22 thermal energy networks, whether the pilot project furthers the climate  
23 justice and/or emissions reduction mandates of the climate leadership  
24 and community protection act, whether the pilot project advances finan-  
25 cial and technical approaches to equitable and affordable building elec-  
26 trification, and whether the pilot project creates benefits to customers  
27 and society at large, including but not limited to public health bene-  
28 fits in areas with disproportionate environmental or public health  
29 burdens, job retention/creation, reliability, and increased affordabili-  
30 ty of renewable thermal energy options.

31 § 25. Subdivision 4 of section 137 of the public service law, as added  
32 by section 11 of part 0 of chapter 58 of the laws of 2024, is amended to  
33 read as follows:

34 4. "Major renewable energy facility" means any renewable energy  
35 system, as such term is defined in **former** section sixty-six-p of this  
36 chapter, with a nameplate generating capacity of twenty-five thousand  
37 kilowatts or more, and any co-located system storing energy generated  
38 from such a renewable energy system prior to delivering it to the bulk  
39 transmission system, including all associated appurtenances to electric  
40 plants, including electric transmission facilities less than ten miles  
41 in length in order to provide access to load and to integrate such  
42 facilities into the state's bulk electric transmission system.

43 § 26. Paragraph (c) of subdivision 3 of section 99-qq of the state  
44 finance law, as added by section 2 of part TT of chapter 56 of the laws  
45 of 2023, is amended to read as follows:

46 (c) The New York climate action fund climate investment account shall  
47 consist of moneys received by the state pursuant to paragraph (c) of  
48 subdivision twenty-five of section eighteen hundred fifty-four of the  
49 public authorities law, and all other moneys appropriated, credited, or  
50 transferred thereto from any other fund or source pursuant to law.  
51 Moneys of the account shall be made available for the purposes of  
52 assisting the state in transitioning to a less carbon intensive econo-  
53 my[~~, including but not limited to: (i) purposes which are consistent~~  
54 ~~with the general findings of the scoping plan prepared pursuant to~~  
55 ~~section 75-0103 of the environmental conservation law; (ii) administra-~~  
56 ~~tive and implementation costs, auction design and support costs, program~~



~~design, evaluation, and other associated costs; and (iii) measures which prioritize disadvantaged communities by supporting actions consistent with the requirements of paragraph d of subdivision three of section 75-0109 and of section 75-0117 of the environmental conservation law, identified through community decision-making and stakeholder input, including early action to reduce greenhouse gas emissions in disadvantaged communities].~~

§ 27. Paragraph (f) of subdivision 1 of section 64-e of the town law, as added by chapter 666 of the laws of 2024, is amended to read as follows:

(f) "Disadvantaged communities" shall mean a community that is identified pursuant to **former** section 75-0111 of the environmental conservation law.

§ 28. Nothing in this act shall be construed to impair, limit, or affect the validity of any contract, permit, or license lawfully entered into prior to the effective date of this act; provided, however, that no further rights, obligations, or enforcement authority shall accrue under the repealed provisions after the effective date of this act.

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

(a) the amendments to subdivisions 3 and 4 of section 1911 of the public authorities law made by section twenty-one of this act shall be subject to the expiration and repeal of such section and shall expire and be deemed repealed therewith; and

(b) the amendments to subdivision 4 of section 137 of the public service law made by section twenty-five of this act shall be subject to the expiration and repeal of such section and shall expire and be deemed repealed therewith.