STATE OF NEW YORK

10268

IN ASSEMBLY

February 20, 2026

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

AN ACT to amend the energy law, in relation to prohibiting certain battery energy storage systems within one thousand feet of a populated area, in a city with a population of one million or more

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

Section 1. The energy law is amended by adding a new article 13 to read as follows:

ARTICLE 13

BATTERY ENERGY STORAGE SYSTEMS

Section 13-101. Definitions.

13-102. Battery energy storage systems; prohibitions.

§ 13-101. Definitions. For purposes of this article:

1. "Battery energy storage system" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system shall be classified as a tier one or tier two battery energy storage system as follows: (a) tier one battery energy storage systems shall possess an aggregate energy capacity less than or equal to six hundred kilowatt hours and, if in a room or enclosed area, consist of only a single energy storage system technology; (b) tier two battery energy storage systems shall possess an aggregate energy capacity greater than six hundred kilowatt hours or are comprised of more than one storage battery technology in a room or enclosed area.

2. "Populated area" shall mean any residentially zoned area, school or hospital.

§ 13-102. Battery energy storage systems; prohibitions. No tier two battery energy storage system shall be constructed or operated within one thousand feet of a populated area, in a city with a population of one million or more.

§ 2. This act shall take effect immediately.

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

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