

STATE OF NEW YORK

4066

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public buildings law, the education law, and the public authorities law, in relation to requiring state operations to use one hundred percent renewable electricity by two thousand thirty (Part A); to amend the general municipal law and the education law, in relation to exempting payment in lieu of taxes revenue from property tax cap calculations (Part B); to amend the public service law, in relation to requiring the office of renewable energy siting to develop a procedure to process any financial security or letter of credit required by the office (Part C); to amend the public authorities law, the tax law and the economic development law, in relation to the recycling of solar photovoltaic panels (Part D); to amend Part JJJ of chapter 58 of the laws of 2020, amending the public service law and other laws relating to accelerating the growth of renewable energy facilities to meet critical state energy policy goals, in relation to directing the New York power authority to propose a minimum of four priority transmission projects to address the areas of highest need on the bulk transmission system (Part E); to amend the environmental conservation law, in relation to the endangered and threatened species mitigation bank fund (Part F); to amend the public service law, in relation to exempting renewable energy systems from certain requirements related to energy facilities (Part G); to ensure the safe and efficient delivery of materials for the timely construction of major renewable energy facilities in furtherance of the goals mandated by the New York state climate leadership and community protection act (Part H); to amend the agriculture and markets law, in relation to defining land used in agricultural production for the purposes of an agricultural property tax exemption (Part I); to amend the environmental conservation law and the public service law, in relation to updating climate law goals for energy storage and renewable generation (Part J); to amend the tax law, in relation to establishing a sales tax exemption for energy storage (Part K); to amend the tax law, in

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

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relation to residential solar tax credits (Part L); and to amend the energy law, in relation to enacting the "solar for all homes and businesses act of 2025" (Part M)

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

1 Section 1. This act shall be known and may be cited as the "omnibus
2 renewable energy progress act".
3 § 2. Legislative findings and statement of purpose. The legislature
4 hereby finds, determines, and declares:
5 1. Chapter 106 of the laws of 2019 enacted the New York state climate
6 leadership and community protection act (the "CLCPA") and chapter 58 of
7 the laws of 2020 enacted the accelerated renewable energy growth and
8 community benefit act ("AREGCBA"), both of which are aimed at fighting
9 climate change and decarbonizing the electricity sector in New York.
10 These two acts, among other things:
11 (a) directed the department of environmental conservation to establish
12 a statewide greenhouse gas emissions limit as a percentage of 1990 emis-
13 sions as follows: (i) 2030: 60% of 1990 emissions; and (ii) 2050: 15% of
14 1990 emissions;
15 (b) directed the public service commission to establish programs to
16 require that a minimum of 70% statewide electric generation be produced
17 by renewable energy systems by 2030, and that by the year 2040 the
18 statewide electrical demand system will generate zero emissions;
19 (c) created the office of renewable energy siting to coordinate the
20 environmental review and permitting of large-scale renewable energy
21 projects;
22 (d) directed the public service commission to initiate a comprehensive
23 study of the state's power grid to identify distribution and trans-
24 mission infrastructure needed to enable the state to meet the CLCPA
25 targets, and based on such study, develop plans that provide for the
26 timely development of local transmission and distribution system
27 upgrades by the state's regulated utilities and the Long Island power
28 authority; and identify bulk transmission investments that should be
29 undertaken, including projects that should be undertaken on an expe-
30 dited basis in cooperation with the power authority of the state of New
31 York; and
32 (e) directed the department of environmental conservation to create an
33 endangered species mitigation bank fund to improve the efficiency of the
34 species protection review and mitigation process for large scale renewa-
35 ble energy facilities.
36 2. In order to achieve the CLCPA targets and the goals of the AREGCBA,
37 the state shall take appropriate action to ensure that:
38 (a) new renewable energy generation projects can be sited in a timely
39 and cost-effective manner that continues to include consideration of
40 local laws concerning zoning, the environment or public health and safe-
41 ty, and continues to avoid or minimize, to the maximum extent practica-
42 ble, adverse environmental impacts; and
43 (b) renewable energy can be efficiently and cost-effectively injected
44 into the state's distribution and transmission system for delivery to
45 regions of the state where it is needed; and
46 (c) renewable energy property tax assessment at the local level is
47 standardized and local government entities have the flexibility to bene-
48 fit from increased tax revenue from renewable energy projects; and

1 (d) state entities are procuring renewable energy and energy storage
2 to power their own operations to the greatest extent possible; and

3 (e) local government entities have the ability to utilize a statewide
4 decommissioning mechanism to ensure that renewable energy project owners
5 are financially accountable for the decommissioning of projects in as
6 standardized a system as possible; and

7 (f) the department of environmental conservation assesses and recom-
8 mends the best future methods of solar panel disposal at their end-of-
9 life; and

10 (g) the siting and approval of renewable energy projects will help
11 communities across the state be part of the climate solution while
12 creating good-paying jobs and realizing key economic and social bene-
13 fits.

14 3. A public policy purpose would be served and the interests of the
15 people of the state would be advanced by the provisions of this act.

16 § 3. This act enacts into law major components of legislation which
17 are necessary to implement the "omnibus renewable energy progress act".
18 Each component is wholly contained within a Part identified as Parts A
19 through M. The effective date for each particular provision contained
20 within such Part is set forth in the last section of such Part. Any
21 provision in any section contained within a Part, including the effec-
22 tive date of the Part, which makes a reference to a section "of this
23 act", when used in connection with that particular component, shall be
24 deemed to mean and refer to the corresponding section of the Part in
25 which it is found. Section five of this act sets forth the general
26 effective date of this act.

27 PART A

28 Section 1. The public buildings law is amended by adding a new section
29 148 to read as follows:

30 § 148. Reduction of greenhouse gas emission from public buildings. By
31 two thousand thirty and thereafter, subject to available supply, one
32 hundred percent of the electricity used by all state owned public build-
33 ings for their own operations, except electricity needed to support the
34 generation of electricity by an entity in accordance with its enabling
35 authority, shall come from a renewable energy system as defined in para-
36 graph (b) of subdivision one of section sixty-six-p of the public
37 service law. In the implementation of this section, the commissioner of
38 general services, in consultation with the New York state energy
39 research and development authority and the public service commission,
40 shall develop a program to ensure compliance with this requirement that
41 would allow state entities to count the portion of electricity purchased
42 from their utility that is renewable; allow the procurement of in-state
43 renewable energy certificates ("RECs") to count towards compliance,
44 including RECs from facilities constructed prior to two thousand
45 fifteen; and allow on-site renewable energy generation to count towards
46 compliance.

47 § 2. Subdivision 2 of section 355 of the education law is amended by
48 adding a new paragraph aa to read as follows:

49 aa. To ensure that by two thousand thirty and thereafter that one
50 hundred percent of the electricity used by all buildings owned by the
51 state university or any institution therein shall come from a renewable
52 energy system as defined in paragraph (b) of subdivision one of section
53 sixty-six-p of the public service law, subject to available supply.

1 § 3. Section 1005 of the public authorities law is amended by adding a
2 new subdivision 31 to read as follows:

3 31. The authority shall by January first, two thousand thirty, only
4 generate renewable energy as provided in section sixty-six-p of the
5 public service law, unless such non-renewable energy generation is need-
6 ed for grid reliability as verified by the independent system operator.

7 § 4. Subdivision (r) of section 1020-f of the public authorities law,
8 as added by chapter 517 of the laws of 1986, is amended to read as
9 follows:

10 (r) To enter into agreements to purchase power from the power authori-
11 ty of the state of New York, the state, any state agency, any munici-
12 pality, any private entity, or any other available source at such price
13 or prices as may be negotiated; provided, however, that the authority
14 shall not have the power to enter into any agreement or any negotiation
15 for the purchase of power from the dominion of Canada, or any political
16 subdivision, public authority or private corporation therein; but may
17 enter into an agreement with the power authority of the state of New
18 York for the purchase of such power; provided however, that all power
19 purchased after January first, two thousand thirty shall be generated
20 from renewable energy as provided in section sixty-six-p of the public
21 service law, unless such non-renewable energy generation is needed for
22 grid reliability as verified by the independent system operator.

23 § 5. Section 1020-f of the public authorities law, as added by chapter
24 517 of the laws of 1986, is amended by adding a new subdivision (ll) to
25 read as follows:

26 (ll) To install one gigawatt of battery storage by two thousand thir-
27 ty.

28 § 6. This act shall take effect immediately.

29 PART B

30 Section 1. Subparagraphs (iii) and (vi) of paragraph (c) of subdivi-
31 sion 3 of section 3-c of the general municipal law, as added by section
32 1 of part A of chapter 97 of the laws of 2011, are amended to read as
33 follows:

34 (iii) Add any payments in lieu of taxes that were receivable in the
35 prior fiscal year, provided however, it shall not include payments in
36 lieu of taxes that were receivable from renewable energy generation
37 projects as defined in section sixty-six-p of the public service law.

38 (vi) Subtract any payments in lieu of taxes receivable in the coming
39 fiscal year, provided however, it shall not include payments in lieu of
40 taxes that are receivable from renewable energy generation projects as
41 defined in section sixty-six-p of the public service law.

42 § 2. Subparagraphs 3 and 6 of paragraph a of subdivision 3 of section
43 2023-a of the education law, as added by section 2 of part A of chapter
44 97 of the laws of 2011, are amended to read as follows:

45 (3) Add any payments in lieu of taxes that were receivable in the
46 prior school year, provided however, it shall not include payments in
47 lieu of taxes that were receivable from renewable energy generation
48 projects as defined in section sixty-six-p of the public service law.

49 (6) Subtract any payments in lieu of taxes receivable in the coming
50 fiscal year, provided however, it shall not include payments in lieu of
51 taxes that are receivable from renewable energy generation projects as
52 defined in section sixty-six-p of the public service law.

53 § 3. This act shall take effect immediately; provided, however, that
54 section one of this act shall first apply to the levy of taxes by local

1 governments for the fiscal year that begins in 2026; and provided,
2 further, that section two of this act shall first apply to school
3 district budgets and the budget adoption process for the 2026-2027
4 school year.

5 PART C

6 Section 1. Subdivision 3 of section 138 of the public service law, as
7 added by section 11 of part O of chapter 58 of the laws of 2024, is
8 amended to read as follows:

9 3. ORES, in consultation with the department, shall promulgate rules
10 and regulations with respect to all necessary requirements to implement
11 the siting permit program established in this article and promulgate
12 modifications to such rules and regulations as it deems necessary;
13 provided that ORES shall promulgate regulations requiring the service of
14 applications on affected municipalities and political subdivisions
15 simultaneously with submission of an application. Any such rules and
16 regulations, or any amendments or modifications thereto, shall be
17 subject to the approval of the public service commission before they
18 become effective. The office shall develop a procedure to process any
19 financial security or letter of credit that is required by the office.
20 Such procedure shall be available to any municipality that decides to
21 have the office process and maintain any required financial security or
22 letter of credit in their permitting process.

23 § 2. This act shall take effect immediately; provided, however, that
24 the amendments to section 138 of the public service law, made by section
25 one of this act, shall not affect the repeal of such section and shall
26 be deemed repealed therewith.

27 PART D

28 Section 1. The public authorities law is amended by adding a new
29 section 1885 to read as follows:

30 § 1885. Study on recycling and reuse of solar photovoltaic (solar PV)
31 panels. 1. The authority, in consultation with the department of envi-
32 ronmental conservation, empire state development, and the department of
33 transportation shall conduct a study on the recycling and reuse of solar
34 photovoltaic (solar PV) panels throughout New York state.

35 2. Such study shall:

36 (a) review and summarize the current end-of-life solar PV management
37 policies and programs in place in New York;

38 (b) review and summarize the economic and environmental benefits of
39 solar PV panel/module recycling and reuse both in New York state and in
40 other jurisdictions across the United States;

41 (c) review and summarize the barriers to solar PV panel/module recycl-
42 ing and reuse. This shall include regulatory barriers, economic barri-
43 ers, research, analysis, and development barriers, information avail-
44 ability and information exchange barriers, and access to recycling
45 facilities barriers;

46 (d) review and summarize the best methods for facilitating and accel-
47 erating solar PV panel/module recycling and reuse, including but not
48 limited to, reviewing statutory and regulatory changes, areas of need
49 for research and development, ways in which information exchange can be
50 enhanced, economic incentives, industry-led efforts, and the capacity
51 and recycling abilities for any existing facilities within the state and

1 any out-of-state facilities that have the capacity to engage in panel
2 recycling;

3 (e) review and summarize other state programs and policies related to
4 solar PV recycling and reuse;

5 (f) review and summarize the state, federal, and international regula-
6 tory requirements related to solar PV end-of-life management and associ-
7 ated equipment management, decommissioning, and financial assurances;

8 (g) review and summarize the impacts that any county, town, village,
9 or other local laws have on solar PV recycling, project siting, permit-
10 ting, and construction; and further, how those laws impact the state's
11 ability to meet the goals set forth in the climate leadership and commu-
12 nity protection act;

13 (h) review the preferred solar PV end-of-life photovoltaic
14 module/panel and associated equipment management methods and the associ-
15 ated economic and environmental costs and benefits associated with each
16 management method;

17 (i) report on the expected economically productive life cycle of
18 different types of solar PV panels/modules;

19 (j) report on the volume of solar PV panel/modules deployed within the
20 state and the projected future deployment of solar PV;

21 (k) review the need for financial assurance requirements for solar PV
22 decommissioning and recycling;

23 (l) report on the necessary infrastructure to collect and transport
24 end-of-life solar PV panels/modules for reuse, refurbishment, recycling,
25 or disposal; and

26 (m) review any other area of research related to the recycling and
27 reuse of solar panels the authority deems important and related to this
28 study.

29 3. In addition to the study, the authority shall also compile a list
30 of recommendations which shall include:

31 (a) model initiatives currently in use by the solar industry;

32 (b) based on the outcome of the study, make recommendations for a
33 statewide program, including how such program would operate and what
34 functions such program would perform and accomplish;

35 (c) ways in which to incentivize in-state recycling facilities and
36 operations to expand to include solar PV recycling;

37 (d) ways in which to incentivize out-of-state solar panel recycling
38 companies to locate facilities in New York;

39 (e) recommendations for actions the legislature or executive could
40 take to incentivize solar panel recycling; and

41 (f) anything else the authority deems necessary to create an effective
42 solar panel recycling program in New York.

43 4. The study and recommendations shall be transmitted to the governor,
44 the temporary president of the senate, the speaker of the assembly, the
45 minority leader of the senate, and the minority leader of the assembly
46 within one year of the effective date of this section.

47 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
48 sion 32-a to read as follows:

49 32-a. Empire state solar photovoltaic panel recycling program credit.

50 (a) Allowance of credit. A taxpayer who is eligible for the excelsior
51 jobs program credit pursuant to section thirty-one of this chapter shall
52 be allowed a credit to be computed as provided in such section thirty-
53 one against the tax imposed by this article.

54 (b) Application of credit. The credit allowed under this subdivision
55 for any taxable year shall not reduce the tax due for such year to less
56 than the amount prescribed in paragraph (d) of subdivision one of

1 section two hundred ten of this article. Provided, however, that if the
2 amount of the credit allowable under this subdivision for any taxable
3 year reduces the tax to such amount or if the taxpayer otherwise pays
4 tax based on the fixed dollar minimum amount, fifty percent of the
5 excess shall be treated as an overpayment of tax to be credited or
6 refunded, and no interest shall be paid thereon. The balance of such
7 credit not credited or refunded in such taxable year may be a carryover
8 to the immediately succeeding taxable year and may be deducted from the
9 taxpayer's tax for such year. The excess, if any, of the amount of the
10 credit over the tax for such succeeding year shall be treated as an
11 overpayment of tax to be credited or refunded, no interest shall be paid
12 thereon.

13 § 3. Paragraphs (m) and (n) of subdivision 1 of section 353 of the
14 economic development law, as amended by chapter 494 of the laws of 2022,
15 are amended and a new paragraph (o) is added to read as follows:

16 (m) as a participant operating in one of the industries listed in
17 paragraphs (a) through (k) of this subdivision and operating or sponsor-
18 ing child care services to its employees as defined in section three
19 hundred fifty-two of this article; ~~(n)~~

20 (n) as a Green CHIPS project~~[-]~~; or

21 (o) as a recycler of solar photovoltaic panels under the empire state
22 solar photovoltaic panel recycling program.

23 § 4. Any provision of any local law or ordinance, or any rule or regu-
24 lation promulgated thereto, governing the collection, return or recycl-
25 ing of solar photovoltaic modules or solar photovoltaic panels shall
26 upon the effective date of this act be preempted.

27 § 5. This act shall take effect immediately.

28 PART E

29 Section 1. Subdivision 5 of section 7 of part JJJ of chapter 58 of the
30 laws of 2020, amending the public service law and other laws relating to
31 accelerating the growth of renewable energy facilities to meet critical
32 state energy policy goals, is amended to read as follows:

33 5. The legislature finds and determines that timely development of the
34 bulk transmission investments identified in the state bulk transmission
35 investment plan is in the public interest of the people of the state of
36 New York. The legislature further finds and determines that the power
37 authority of the state of New York ("power authority") owns and operates
38 backbone electric transmission assets in New York, has rights-of-way
39 that can support in whole or in part bulk transmission investment
40 projects, and has the financial stability, access to capital, technical
41 expertise and experience to effectuate expeditious development of bulk
42 transmission investments needed to help the state meet the CLCPA
43 targets, and thus it is appropriate for the power authority as deemed
44 feasible and advisable by its trustees, by itself or in collaboration
45 with other parties as it determines to be appropriate, to develop those
46 bulk transmission investments found by the commission to be needed expe-
47 ditiously to achieve CLCPA targets ("priority transmission projects").

48 The legislature further finds and determines, following the issuance
49 of the climate scoping plan required by the CLCPA, that it is in the
50 public interest of the people of the state of New York for the power
51 authority to propose a minimum of four such priority transmission
52 projects by December 21, 2025 to address the areas of highest need on
53 the bulk transmission system and further facilitate the development of
54 renewable energy projects in areas where there are limitations on the

1 capacity to interconnect new power generating facilities. Two of these
2 four projects shall address the locations of highest needs for deploying
3 additional renewable energy projects identified by the New York inde-
4 pendent system operator in its most recent twenty year system outlook.
5 Two of the four projects shall propose grid infrastructure upgrades in
6 locations currently underserved by the grid for interconnecting renewa-
7 ble energy projects, where there is otherwise the potential to develop
8 renewable energy projects (to establish "renewable energy zones") as
9 determined by the power authority. The commission shall expeditiously
10 review and approve or reject these four proposals.

11 The power authority shall, through a public process, solicit interest
12 from potential co-participants in each project it has agreed to develop
13 and assess whether any joint development would provide for significant
14 additional benefits in achieving the CLCPA targets. The power authority
15 may thereafter determine to undertake the development of the project on
16 its own, or undertake the project jointly with one or more other parties
17 on such terms and conditions as the power authority finds to be appro-
18 priate and, notwithstanding any other law to the contrary, enter into
19 such agreements and take such other actions the power authority deter-
20 mines to be necessary in order to undertake and complete timely develop-
21 ment of the project. The intent of this act is for the power authority
22 to develop priority transmission projects authorized in this subdivi-
23 sion. For priority projects that the authority determines to undertake
24 and that are not substantially within the power authority's existing
25 rights of way, the authority shall, as deemed feasible and advisable by
26 its board of trustees, select private sector participants through a
27 competitive bidding process, provided however that priority transmission
28 projects is not intended to include generation lead lines, or repairs
29 to, replacement of or upgrades to the power authority's own transmission
30 assets.

31 To foster the continued development of community solar in New York,
32 the commission and the energy research and development authority should
33 determine a threshold for non-affordability for the interconnection
34 costs required by an investor-owned utility. When the required local
35 system upgrade costs for interconnecting a community solar project or a
36 group of community solar projects are above the non-affordability thres-
37 hold, the power authority shall intervene and implement a mechanism for
38 providing low interest financing for the costs of local system upgrades
39 above the threshold for the developer or developers of such community
40 solar project or projects.

41 § 2. This act shall take effect immediately; provided, however, the
42 amendments to section 7 of part JJJ of chapter 58 of the laws of 2020
43 made by section one of this act shall not affect the repeal of such
44 section and shall expire therewith.

45 PART F

46 Section 1. Subdivision 1 of section 11-0535-c of the environmental
47 conservation law, as added by section 12 of part JJJ of chapter 58 of
48 the laws of 2020, is amended to read as follows:

49 1. The department is hereby authorized to utilize funds in the endan-
50 gered and threatened species mitigation bank fund, established pursuant
51 to section ninety-nine-hh of the state finance law, as added by section
52 thirteen of part JJJ of chapter fifty-eight of the laws of two thousand
53 twenty, or in the habitat conservation and access account, established
54 pursuant to section eighty-three-a of the state finance law, for the

1 purposes of implementing an endangered and threatened species mitigation
2 plan approved by the department.
3 § 2. This act shall take effect immediately; provided, however, the
4 amendments to section 11-0535-c of the environmental conservation law
5 made by section one of this act shall not affect the repeal of such
6 section and shall expire therewith.

7

PART G

8 Section 1. Subdivision 1 of section 68 of the public service law, as
9 amended by section 5 of part X of chapter 57 of the laws of 2013, is
10 amended to read as follows:

11 1. Certificate required. No gas corporation or electric corporation
12 shall begin construction of a gas plant or electric plant, except for
13 renewable energy systems as defined in section sixty-six-p of this arti-
14 cle or energy storage systems not paired with electric generation
15 systems, without first having obtained the permission and approval of
16 the commission. No such corporation shall exercise any right or privi-
17 lege under any franchise hereafter granted, or under any franchise here-
18 tofore granted but not heretofore actually exercised, or the exercise of
19 which shall have been suspended for more than one year, without first
20 having obtained a certificate of public convenience and necessity issued
21 by the commission. Before such certificate shall be issued a certified
22 copy of the charter of such corporation shall be filed in the office of
23 the commission, together with a verified statement of the president and
24 secretary of the corporation, showing that it has received the required
25 consent of the proper municipal authorities. The commission shall have
26 power to grant the permission and approval herein specified whenever it
27 shall after due hearing determine that such construction or such exer-
28 cise of the right, privilege or franchise is convenient and necessary
29 for the public service. In making such a determination, the commission
30 shall consider the economic feasibility of the corporation, the corpo-
31 ration's ability to finance improvements of a gas plant or electric
32 plant, render safe, adequate and reliable service, and provide just and
33 reasonable rates, and whether issuance of a certificate is in the public
34 interest. Except as provided in article fourteen-A of the general munic-
35 ipal law, no municipality shall build, maintain and operate for other
36 than municipal purposes any works or systems for the manufacture and
37 supplying of gas or electricity for lighting purposes without a certif-
38 icate of authority granted by the commission. If the certificate of
39 authority is refused, no further proceedings shall be taken by such
40 municipality before the commission, but a new application may be made
41 therefor after one year from the date of such refusal.

42 § 2. The closing paragraph of section 69 of the public service law, as
43 amended by chapter 222 of the laws of 1991, is amended to read as
44 follows:

45 A permission or approval by the public service commission of a merger
46 or consolidation shall not be deemed to be an approval of the value of
47 any property or accounts of any company involved in the merger at the
48 time of the merger, nor shall any such permission or approval be
49 construed to be a certification by the public service commission that
50 the bonds and/or capital stock of any such merged, merging or consol-
51 idating corporations are represented in value by commensurate physical
52 assets of such corporations, nor shall such approval be evidence as to
53 the value of any such property or account in subsequent rate proceedings
54 or before any court or public body. No provision of this section shall

1 apply to electric corporations where electricity is generated from
2 renewable energy systems as defined in section sixty-six-p of this arti-
3 cle.

4 § 3. Section 70 of the public service law is amended by adding a new
5 subdivision 8 to read as follows:

6 8. No provision of this section shall apply to electric corporations
7 where electricity is generated from renewable energy systems as defined
8 in section sixty-six-p of this article.

9 § 4. This act shall take effect immediately.

10

PART H

11 Section 1. Legislative findings and declaration. In 2019, the state
12 enacted the historic New York state climate leadership and community
13 protection act to mitigate the impacts of climate change and reduce
14 greenhouse gas emissions from anthropogenic sources 100% over 1990
15 levels by the year 2050. In 2020, the state enacted the accelerated
16 renewable energy growth and community benefit act, which provided for
17 the expedited siting of major renewable energy facilities and related
18 transmission. The legislature hereby finds and declares that to mean-
19 ingfully and timely achieve the historic goals mandated in the New York
20 state climate leadership and community protection act, and to meet the
21 technology-specific requirements set forth therein, including the
22 installation of wind and solar-powered electric generation, the
23 construction of new and repowered wind turbines and solar arrays is an
24 urgent matter of great importance to New York. The legislature further
25 finds that current rules, regulations, and policies addressing the
26 transport of large loads on the state highways and the thruway present
27 impediments to the efficient transport of construction materials used
28 for these projects, including large loads such as wind turbines, which
29 is inconsistent with the goals of the accelerated renewable energy
30 growth and community benefit act. Because of the unprecedented volume
31 and size of materials planned for transport, the current rules regarding
32 the use of police escorts for the transport of such loads may result in
33 delays, shortages of police officer escorts, and retention of truck
34 traffic, that may hinder construction of major renewable energy facili-
35 ties. Therefore, it is the intent of this act to supersede any such rule
36 or policy, and to allow materials used for the construction of any major
37 renewable energy facility to be transported on state highways and on the
38 thruway safely using either a police escort, or a private security
39 escort.

40 § 2. (a) For the purposes of this act, the term "major renewable ener-
41 gy facility" shall have the same meaning as defined in section 137 of
42 the public service law.

43 (b) Notwithstanding any other law, rule, regulation, or internal poli-
44 cy of any state department, agency, public authority, or public benefit
45 corporation, vehicles carrying materials intended for the construction
46 of any major renewable energy facility, including oversize and superload
47 transport vehicles, shall be permitted to travel on the thruway and
48 state highways, in compliance with the requirements set forth in subdi-
49 vision (c) of this section, on any day of the week, including Saturday
50 and Sunday.

51 (c) Notwithstanding any other law, rule, regulation, or internal poli-
52 cy of any state department, agency, public authority, or public benefit
53 corporation, vehicles carrying materials intended for the construction
54 of any major renewable energy facility, including oversize and superload

1 transport vehicles, shall be permitted to travel either with a police
 2 escort, including but not limited to environmental conservation offi-
 3 cers, parks police, county sheriff deputies or the national guard, or
 4 with a private security certified escort vehicle as that term is defined
 5 in 17 NYCRR 154-1.12. The state shall not bear the cost of any private
 6 security escort utilized under this section.

7 (d) Vehicles carrying materials intended for the construction of any
 8 major renewable energy facility, including oversize and superload trans-
 9 port vehicles, shall have a certified annual inspection demonstrating
 10 compliance with all applicable state and federal safety standards in
 11 lieu of a state police level I full inspection, provided the certified
 12 inspection is performed within seven calendar days of the trip, the
 13 vehicle is not subject to commercial use in the interim, and the opera-
 14 tor of such vehicle makes satisfactory inspection paperwork available to
 15 the state police, the department of transportation, and the thruway
 16 authority upon request.

17 (e) All state departments, agencies, public authorities, or public
 18 benefit corporations shall prioritize the permitting and requests for
 19 approval for such travel for the transport of materials intended for use
 20 in a major renewable energy facility. The department of transportation,
 21 in consultation with the thruway authority and the state police, shall
 22 establish through regulation a program for the certification of private
 23 security escorts authorized to escort vehicles transporting materials
 24 intended for the construction of any major renewable energy facility.

25 § 3. This act shall take effect immediately.

26 PART I

27 Section 1. Paragraph g of subdivision 4 of section 301 of the agricul-
 28 ture and markets law, as amended by chapter 445 of the laws of 2002, is
 29 amended to read as follows:

30 g. Land under a structure, including, but not limited to, photovoltaic
 31 equipment, within or under which crops, livestock or livestock products
 32 are produced, provided that the sales of such crops, livestock or live-
 33 stock products meet the gross sales requirements of paragraph f of this
 34 subdivision.

35 § 2. This act shall take effect immediately.

36 PART J

37 Section 1. Paragraph e of subdivision 13 of section 75-0103 of the
 38 environmental conservation law, as added by chapter 106 of the laws of
 39 2019, is amended to read as follows:

40 e. Measures to achieve [~~six~~] ten gigawatts of distributed solar energy
 41 capacity installed in the state by two thousand [~~twenty-five~~]
 42 thirty-two, eighty-five hundred megawatts of grid-scale, wholesale solar
 43 energy generating capacity by two thousand thirty-two, fifty-five
 44 hundred megawatts of land-based wind energy generating capacity by two
 45 thousand thirty-two, nine gigawatts of offshore wind capacity installed
 46 by two thousand [~~thirty-five~~] thirty-seven, a statewide energy efficien-
 47 cy goal of one hundred eighty-five trillion British thermal units energy
 48 reduction from the two thousand [~~twenty-five~~] twenty-seven forecast; and
 49 [~~three~~] six gigawatts of statewide energy storage capacity by two thou-
 50 sand [~~thirty~~] thirty-two.

51 § 2. Subdivision 5 of section 66-p of the public service law, as added
 52 by chapter 106 of the laws of 2019, is amended to read as follows:

1 5. No later than July first, two thousand [~~twenty-four~~] twenty-six,
 2 the commission shall establish programs to require the procurement by
 3 the state's load serving entities of at least eighty-five hundred mega-
 4 watts of grid-scale, wholesale solar energy generating capacity by two
 5 thousand thirty-two, fifty-five hundred megawatts of land-based wind
 6 energy generating capacity by two thousand thirty-two, nine gigawatts of
 7 offshore wind electricity generation by two thousand [~~thirty-five~~] thir-
 8 ty-seven and [~~six~~] ten gigawatts of photovoltaic solar generation by two
 9 thousand [~~twenty-five~~] twenty-seven, and to support [~~three~~] six giga-
 10 watts of statewide energy storage capacity by two thousand [~~thirty~~]
 11 thirty-two.

12 § 3. This act shall take effect immediately.

13 PART K

14 Section 1. Section 1115 of the tax law is amended by adding two new
 15 subdivisions (mm) and (nn) to read as follows:

16 (mm) The following shall be exempt from tax under this article: (1)
 17 Receipts from the retail sale of, and consideration given or contracted
 18 to be given for, or for the use of, residential energy storage systems
 19 equipment and the costs of installing such systems. For the purposes of
 20 this subdivision, "residential energy storage systems equipment" shall
 21 mean an arrangement or combination of components installed in a resi-
 22 dence that stores electricity for use at a later time to provide heat-
 23 ing, cooling, hot water and/or electricity.

24 (2) Receipts from the sale of electricity by a person primarily
 25 engaged in the sale of energy storage system equipment and/or electric-
 26 ity generated by such equipment pursuant to a written agreement under
 27 which such electricity is generated by residential energy system storage
 28 equipment that is: (A) owned by a person other than the purchaser of
 29 such electricity; (B) installed on residential property of the purchaser
 30 of such electricity; and (C) used to provide heating, cooling, hot water
 31 or electricity.

32 (nn) The following shall be exempt from tax under this article: (1)
 33 Receipts from the retail sale of, and consideration given or contracted
 34 to be given for, or for the use of, commercial energy storage systems
 35 equipment and the costs of installing such systems. For the purposes of
 36 this subdivision, "commercial energy storage systems equipment" shall
 37 mean an arrangement or combination of components installed upon non-re-
 38 sidential premises that stores electricity for use at a later time to
 39 provide heating, cooling, hot water and/or electricity.

40 (2) Receipts from the sale of electricity by a person primarily
 41 engaged in the sale of energy storage system equipment and/or electric-
 42 ity generated by such equipment pursuant to a written agreement under
 43 which the electricity is generated by commercial energy system equipment
 44 that is: (A) owned by a person other than the purchaser of such elec-
 45 tricity; (B) installed on the non-residential premises of the purchaser
 46 of such electricity; and (C) used to provide heating, cooling, hot water
 47 or electricity to such premises.

48 § 2. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as
 49 amended by section 5 of part J of chapter 59 of the laws of 2021, is
 50 amended to read as follows:

51 (1) Either, all of the taxes described in article twenty-eight of this
 52 chapter, at the same uniform rate, as to which taxes all provisions of
 53 the local laws, ordinances or resolutions imposing such taxes shall be
 54 identical, except as to rate and except as otherwise provided, with the

1 corresponding provisions in such article twenty-eight, including the
2 definition and exemption provisions of such article, so far as the
3 provisions of such article twenty-eight can be made applicable to the
4 taxes imposed by such city or county and with such limitations and
5 special provisions as are set forth in this article. The taxes author-
6 ized under this subdivision may not be imposed by a city or county
7 unless the local law, ordinance or resolution imposes such taxes so as
8 to include all portions and all types of receipts, charges or rents,
9 subject to state tax under sections eleven hundred five and eleven
10 hundred ten of this chapter, except as otherwise provided. Notwith-
11 standing the foregoing, a tax imposed by a city or county authorized
12 under this subdivision shall not include the tax imposed on charges for
13 admission to race tracks and simulcast facilities under subdivision (f)
14 of section eleven hundred five of this chapter. (i) Any local law, ordi-
15 nance or resolution enacted by any city of less than one million or by
16 any county or school district, imposing the taxes authorized by this
17 subdivision, shall, notwithstanding any provision of law to the contra-
18 ry, exclude from the operation of such local taxes all sales of tangible
19 personal property for use or consumption directly and predominantly in
20 the production of tangible personal property, gas, electricity, refrig-
21 eration or steam, for sale, by manufacturing, processing, generating,
22 assembly, refining, mining or extracting; and all sales of tangible
23 personal property for use or consumption predominantly either in the
24 production of tangible personal property, for sale, by farming or in a
25 commercial horse boarding operation, or in both; and all sales of fuel
26 sold for use in commercial aircraft and general aviation aircraft; and,
27 unless such city, county or school district elects otherwise, shall omit
28 the provision for credit or refund contained in clause six of subdivi-
29 sion (a) or subdivision (d) of section eleven hundred nineteen of this
30 chapter. (ii) Any local law, ordinance or resolution enacted by any
31 city, county or school district, imposing the taxes authorized by this
32 subdivision, shall omit the residential solar energy systems equipment
33 and electricity exemption provided for in subdivision (ee), the commer-
34 cial solar energy systems equipment and electricity exemption provided
35 for in subdivision (ii), the commercial fuel cell electricity generating
36 systems equipment and electricity generated by such equipment exemption
37 provided for in subdivision (kk), the residential energy storage systems
38 equipment and electricity exemption provided for in subdivision (mm),
39 the commercial energy storage systems equipment and electricity
40 exemption provided for in subdivision (nn) and the clothing and footwear
41 exemption provided for in paragraph thirty of subdivision (a) of section
42 eleven hundred fifteen of this chapter, unless such city, county or
43 school district elects otherwise as to such residential solar energy
44 systems equipment and electricity exemption, such commercial solar ener-
45 gy systems equipment and electricity exemption, commercial fuel cell
46 electricity generating systems equipment and electricity generated by
47 such equipment exemption or such clothing and footwear exemption.

48 § 3. Subdivision (d) of section 1210 of the tax law, as amended by
49 section 4 of part WW of chapter 60 of the laws of 2016, is amended to
50 read as follows:

51 (d) A local law, ordinance or resolution imposing any tax pursuant to
52 this section, increasing or decreasing the rate of such tax, repealing
53 or suspending such tax, exempting from such tax the energy sources and
54 services described in paragraph three of subdivision (a) or of subdivi-
55 sion (b) of this section or changing the rate of tax imposed on such
56 energy sources and services or providing for the credit or refund

1 described in [~~clause~~] paragraph six of subdivision (a) of section eleven
2 hundred nineteen of this chapter, or electing or repealing the exemption
3 for residential solar equipment and electricity in subdivision (ee) of
4 section eleven hundred fifteen of this article, or the exemption for
5 commercial solar equipment and electricity in subdivision (ii) of
6 section eleven hundred fifteen of this article, or electing or repealing
7 the exemption for commercial fuel cell electricity generating systems
8 equipment and electricity generated by such equipment in subdivision
9 (kk) of section eleven hundred fifteen of this article, or the exemption
10 for residential energy storage equipment or electricity in subdivision
11 (mm) of section eleven hundred fifteen of this article, or the exemption
12 for commercial energy storage equipment and electricity in subdivision
13 (nn) of section eleven hundred fifteen of this article must go into
14 effect only on one of the following dates: March first, June first,
15 September first or December first; provided, that a local law, ordinance
16 or resolution providing for the exemption described in paragraph thirty
17 of subdivision (a) of section eleven hundred fifteen of this chapter or
18 repealing any such exemption or a local law, ordinance or resolution
19 providing for a refund or credit described in subdivision (d) of section
20 eleven hundred nineteen of this chapter or repealing such provision so
21 provided must go into effect only on March first. No such local law,
22 ordinance or resolution shall be effective unless a certified copy of
23 such law, ordinance or resolution is mailed by registered or certified
24 mail to the commissioner at the commissioner's office in Albany at least
25 ninety days prior to the date it is to become effective. However, the
26 commissioner may waive and reduce such ninety-day minimum notice
27 requirement to a mailing of such certified copy by registered or certi-
28 fied mail within a period of not less than thirty days prior to such
29 effective date if the commissioner deems such action to be consistent
30 with the commissioner's duties under section twelve hundred fifty of
31 this article and the commissioner acts by resolution. Where the
32 restriction provided for in section twelve hundred twenty-three of this
33 article as to the effective date of a tax and the notice requirement
34 provided for therein are applicable and have not been waived, the
35 restriction and notice requirement in section twelve hundred twenty-
36 three of this article shall also apply.

37 § 4. This act shall take effect immediately.

38

PART L

39 Section 1. Subsection (g-1) of section 606 of the tax law, as amended
40 by chapter 378 of the laws of 2005, paragraphs 1 and 2 as amended by
41 chapter 375 of the laws of 2012, paragraph 3 as amended, paragraph 5 as
42 added, and paragraphs 6, 7 and 8 as renumbered by chapter 128 of the
43 laws of 2007, is amended to read as follows:

44 (g-1) Solar energy system equipment credit. (1) General. An individual
45 taxpayer shall be allowed a credit against the tax imposed by this arti-
46 cle equal to twenty-five percent of qualified solar energy system equip-
47 ment expenditures, except as provided in subparagraph (D) of paragraph
48 two of this subsection. This credit shall not exceed three thousand
49 seven hundred fifty dollars for qualified solar energy equipment placed
50 in service before September first, two thousand six, [~~and~~] five thousand
51 dollars for qualified solar energy equipment placed in service on or
52 after September first, two thousand six and before April first, two
53 thousand twenty-five, and ten thousand dollars for qualified solar ener-

1 gy equipment placed in service on or after April first, two thousand
2 twenty-five.

3 (2) Qualified solar energy system equipment expenditures. (A) The term
4 "qualified solar energy system equipment expenditures" means expendi-
5 tures for:

6 (i) the purchase of solar energy system equipment which is installed
7 in connection with residential property which is (I) located in this
8 state and (II) which is used by the taxpayer as [~~his or her~~] such
9 taxpayer's principal residence at the time the solar energy system
10 equipment is placed in service;

11 (ii) the lease of solar energy system equipment under a written agree-
12 ment that spans at least ten years where such equipment owned by a
13 person other than the taxpayer is installed in connection with residen-
14 tial property which is (I) located in this state and (II) which is used
15 by the taxpayer as [~~his or her~~] such taxpayer's principal residence at
16 the time the solar energy system equipment is placed in service; or

17 (iii) the purchase of power under a written agreement that spans at
18 least ten years whereunder the power purchased is generated by solar
19 energy system equipment owned by a person other than the taxpayer which
20 is installed in connection with residential property which is (I)
21 located in this state and (II) which is used by the taxpayer as [~~his or~~
22 ~~her~~] such taxpayer's principal residence at the time the solar energy
23 system equipment is placed in service.

24 (B) Such qualified expenditures shall include expenditures for materi-
25 als, labor costs properly allocable to on-site preparation, assembly and
26 original installation, architectural and engineering services, and
27 designs and plans directly related to the construction or installation
28 of the solar energy system equipment.

29 (C) Such qualified expenditures for the purchase of solar energy
30 system equipment shall not include interest or other finance charges.

31 (D) Such qualified expenditures for the lease of solar energy system
32 equipment or the purchase of power under an agreement described in
33 clauses (ii) or (iii) of subparagraph (A) of this paragraph shall
34 include an amount equal to all payments made during the taxable year
35 under such agreement. Provided, however, such credits shall only be
36 allowed for fourteen years after the first taxable year in which such
37 credit is allowed. Provided further, however, the twenty-five percent
38 limitation in paragraph one of this subsection shall only apply to the
39 total aggregate amount of all payments to be made pursuant to an agree-
40 ment referenced in clauses (ii) or (iii) of subparagraph (A) of this
41 paragraph, and shall not apply to individual payments made during a
42 taxable year under such agreement except to the extent such limitation
43 on an aggregate basis has been reached.

44 (3) Solar energy system equipment. The term "solar energy system
45 equipment" shall mean an arrangement or combination of components
46 utilizing solar radiation, which, when installed in a residence, produc-
47 es and stores energy designed to provide heating, cooling, hot water or
48 electricity for use in such residence. Such arrangement or components
49 shall not include equipment connected to solar energy system equipment
50 that is a component of part or parts of a non-solar energy system or
51 which uses any sort of recreational facility or equipment as a storage
52 medium. Solar energy system equipment that generates and stores elec-
53 tricity for use in a residence must conform to applicable requirements
54 set forth in section sixty-six-j of the public service law. Provided,
55 however, where solar energy system equipment is purchased and installed
56 by a condominium management association or a cooperative housing corpo-

1 ration, for purposes of this subsection only, the term "ten kilowatts"
2 in such section sixty-six-j shall be read as [~~"fifty"~~] "ten kilowatts
3 multiplied by the number of owner-occupied units in the cooperative or
4 condominium management association."

5 (4) Multiple taxpayers. Where solar energy system equipment is
6 purchased and installed in a principal residence shared by two or more
7 taxpayers, the amount of the credit allowable under this subsection for
8 each such taxpayer shall be prorated according to the percentage of the
9 total expenditure for such solar energy system equipment contributed by
10 each taxpayer.

11 (5) Proportionate share. Where solar energy system equipment is
12 purchased and installed by a condominium management association or a
13 cooperative housing corporation, a taxpayer who is a member of the
14 condominium management association or who is a tenant-stockholder in the
15 cooperative housing corporation may for the purpose of this subsection
16 claim a proportionate share of the total expense as the expenditure for
17 the purposes of the credit attributable to [~~his~~] such taxpayer's princi-
18 pal residence.

19 (6) Grants. For purposes of determining the amount of the expenditure
20 incurred in purchasing and installing solar energy system equipment, the
21 amount of any federal, state or local grant received by the taxpayer,
22 which was used for the purchase and/or installation of such equipment
23 and which was not included in the federal gross income of the taxpayer,
24 shall not be included in the amount of such expenditures.

25 (7) When credit allowed. The credit provided for herein shall be
26 allowed with respect to the taxable year, commencing after nineteen
27 hundred ninety-seven, in which the solar energy system equipment is
28 placed in service.

29 (8) Carryover of credit. If the amount of the credit, and carryovers
30 of such credit, allowable under this subsection for any taxable year
31 shall exceed the taxpayer's tax for such year, such excess amount may be
32 carried over to the five taxable years next following the taxable year
33 with respect to which the credit is allowed and may be deducted from the
34 taxpayer's tax for such year or years. For taxable years beginning on or
35 after January first, two thousand twenty-six, if the amount of the cred-
36 it allowable under this subsection shall exceed the taxpayer's tax
37 liability for such year, and the taxpayer meets the definition of low-
38 to-moderate income or resides in a disadvantaged community, as identi-
39 fied pursuant to section 75-0111 of the environmental conservation law,
40 the excess shall be treated as an overpayment of tax to be credited or
41 refunded in accordance with the provisions of section six hundred eight-
42 y-six of this article, provided, however, that no interest shall be paid
43 thereon.

44 § 2. This act shall take effect immediately.

45 PART M

46 Section 1. This act shall be known and may be cited as the "solar for
47 all homes and businesses act of 2025".

48 § 2. Section 11-102 of the energy law is amended by adding ten new
49 subdivisions, 3-a, 7-a, 7-b, 10-a, 12-a, 13-a, 15-a, 15-b, 15-c and
50 15-d, to read as follows:

51 3-a. "Board." The state fire prevention and building code council.

52 7-a. "Developer." Any person or company that constructs residential or
53 commercial buildings.

1 7-b. "Effective solar area." The portion of a building roof on which
2 the output from a solar energy system, taking into account shading from
3 existing permanent natural or manmade barriers external to the building
4 (including but not limited to trees, hills, and adjacent structures),
5 would be equivalent to seventy percent or greater of the output of an
6 unshaded solar energy system on an annual basis.

7 10-a. "Large commercial building." A commercial building of ten thou-
8 sand or more square feet of gross floor area.

9 12-a. "Multi-family dwelling." A building intended to be inhabited as
10 a primary or secondary residence by multiple individuals or groups of
11 individuals living in separate apartments.

12 13-a. "New building." Any newly constructed residential or commercial
13 building that requires a building permit to proceed.

14 15-a. "Single-family dwelling." A building intended to be inhabited as
15 a primary or secondary residence by one individual or group of individ-
16 uals.

17 15-b. "Solar energy system." Any solar photovoltaic system that is
18 installed on site and uses solar energy to provide all or a portion of
19 the electrical needs of a residential or commercial building.

20 15-c. "Solar hot water heater." Any system that uses solar energy to
21 heat water for use in a residential or commercial building.

22 15-d. "Substitute renewable energy system." Any system that uses
23 renewable energy resources other than solar energy to provide for all or
24 a portion of the electrical needs of a residential or commercial build-
25 ing; provided, that a renewable energy system shall use a technology
26 eligible for the renewable energy standard under paragraph (g) of subdi-
27 vision twenty-seven of section one thousand five of the public authori-
28 ties law.

29 § 3. Section 11-103 of the energy law, as amended by chapter 292 of
30 the laws of 1998, subdivision 1 as amended by chapter 560 of the laws of
31 2010, paragraph (b) of subdivision 1 and subdivision 2 as amended by
32 chapter 374 of the laws of 2022, and subdivision 3 as amended by section
33 27 of part 0 of chapter 58 of the laws of 2024, is amended to read as
34 follows:

35 § 11-103. Applications. 1. (a) The state energy conservation
36 construction code adopted by the [~~state fire prevention and building~~
37 ~~code council~~] board and consisting of a building energy code for resi-
38 dential buildings throughout the state and a building energy code for
39 commercial buildings throughout the state is continued until amended or
40 a new code is adopted and effective.

41 (b) The code shall apply to the construction of any new building. The
42 code shall also apply to an addition to, and alteration of, any existing
43 building or building system; provided, however, that the code shall not
44 be interpreted to require any unaltered portion of the existing building
45 or building system to comply with the code. The code shall be subject to
46 such other exceptions as may be adopted by the [~~state fire prevention~~
47 ~~and building code council~~] board provided that such exceptions shall not
48 prevent the attainment of the compliance goals set forth in section
49 410(2)(c) of the American Recovery and Reinvestment Act of 2009.

50 2. (a) The [~~state fire prevention and building code council~~] board is
51 authorized, from time to time as it deems appropriate and consistent
52 with the purposes of this article, to review and amend the code, or
53 adopt a new code, through rules and regulations provided that the code
54 remains cost effective with respect to building construction in the
55 state. In determining whether the code remains cost effective, the [~~code~~
56 ~~council~~] board shall consider (i) whether the life-cycle costs for a

1 building will be recovered through savings in energy costs over the
2 design life of the building under a life-cycle cost analysis performed
3 under methodology as established by the New York state energy research
4 and development authority in regulations which may be updated from time
5 to time, and (ii) secondary or societal effects, such as reductions in
6 greenhouse gas emissions, as defined in regulations. Before publication
7 of a notice of proposed rule making establishing the methodology or
8 defining secondary or societal effects, the president of the authority
9 shall conduct public meetings to provide meaningful opportunities for
10 public comment from all segments of the population that would be
11 impacted by the regulations, including persons living in disadvantaged
12 communities as identified by the climate justice working group estab-
13 lished under section 75-0111 of the environmental conservation law. For
14 residential buildings, the code shall meet or exceed the then most
15 recently published International Energy Conservation Code, or achieve
16 equivalent or greater energy savings; and for commercial buildings, the
17 code shall meet or exceed the then most recently published ASHRAE 90.1,
18 or achieve equivalent or greater energy savings.

19 (b) When adopting the first amended version of the code next following
20 the effective date of [~~the~~] chapter three hundred seventy-four of the
21 laws of two thousand twenty-two [~~that added this paragraph~~] and any
22 subsequent codes, the [~~state fire prevention and building code council~~]
23 board shall use its best efforts to adopt provisions for residential
24 buildings that achieve energy savings greater than energy savings
25 achieved by the then most recently published International Energy
26 Conservation Code and to adopt provisions for commercial buildings that
27 achieve energy savings greater than energy savings achieved by the then
28 most recently published ASHRAE 90.1, both at levels recommended by the
29 New York state energy research and development authority, provided that
30 the [~~state fire prevention and building code council~~] board determines
31 that such advanced energy savings can be achieved while still meeting
32 the cost effectiveness considerations contemplated by this subdivision.

33 3. Notwithstanding any other provision of law, the [~~state fire~~
34 ~~prevention and building code council~~] board in accordance with the
35 mandate under this article shall have exclusive authority among state
36 agencies to promulgate a construction code incorporating energy conser-
37 vation features and clean energy features applicable to the construction
38 of any building, including but not limited to greenhouse gas reduction.
39 Any other code, rule or regulation heretofore promulgated or enacted by
40 any other state agency, incorporating specific energy conservation and
41 clean energy requirements applicable to the construction of any build-
42 ing, shall be superseded by the code promulgated pursuant to this
43 section. Notwithstanding the foregoing, nothing in this section shall
44 be deemed to expand the powers of the [~~council~~] board to include matters
45 that are exclusively within the statutory jurisdiction of the public
46 service commission, the department of environmental conservation, or
47 another state entity.

48 4. The secretary of state is authorized to issue written interpreta-
49 tions of the code upon written request of a permit applicant or the
50 official responsible for the administration and enforcement of the
51 provisions of the code. Subsequent enforcement of the code shall be
52 consistent with such written interpretations.

53 § 4. Subdivision three of section 11-103 of the energy law, as amended
54 by chapter 374 of the laws of 2022, is amended to read as follows:

55 3. Notwithstanding any other provision of law, the [~~state fire~~
56 ~~prevention and building code council~~] board in accordance with the

1 mandate under this article shall have exclusive authority among state
2 agencies to promulgate a construction code incorporating energy conser-
3 vation features and clean energy features applicable to the construction
4 of any building, including but not limited to greenhouse gas reduction.
5 Any other code, rule or regulation heretofore promulgated or enacted by
6 any other state agency, incorporating specific energy conservation and
7 clean energy requirements applicable to the construction of any build-
8 ing, shall be superseded by the code promulgated pursuant to this
9 section. Notwithstanding the foregoing, nothing in this section shall
10 be deemed to expand the powers of the [~~council~~] board to include matters
11 that are exclusively within the statutory jurisdiction of the public
12 service commission, the department of environmental conservation, the
13 office of renewable energy siting or another state entity.

14 § 5. Subdivision 5 of section 11-104 of the energy law, as amended by
15 chapter 374 of the laws of 2022, is amended to read as follows:

16 5. The [~~state fire prevention and building code council~~] board, in
17 consultation with the commissioner of the department of parks, recre-
18 ation and historic preservation, is authorized to adopt exemptions to
19 such uniform standards and requirements for historic buildings as
20 defined in section 11-102 of this article, to the extent that the
21 uniform standards and requirements would threaten, degrade, or destroy
22 the historic form, fabric, or function of such historic buildings.

23 § 6. Section 11-105 of the energy law, as amended by chapter 560 of
24 the laws of 2010, is amended to read as follows:

25 § 11-105. Limitation of application. Notwithstanding the provisions of
26 subdivision one of section 11-103 of this article, the [~~state fire
27 prevention and building code council~~] board, by regulation, may limit
28 the application of any portion of the code so as to include or exclude
29 classes or types of buildings, according to the use thereof or the cost
30 effectiveness of the code with respect to any such class or type of
31 building, or according to any other distinction as may make differen-
32 tiation or separate classification or regulation necessary, proper or
33 desirable, provided however, that such limitation: (1) is consistent
34 with the purposes of this article and the criteria set forth in section
35 11-104 of this article, (2) does not render the code inconsistent with
36 the energy savings requirements of subdivision two of section 11-103 of
37 this article, and (3) whether considered individually or collectively
38 with other limitations, will not prevent the attainment of the compli-
39 ance goals set forth in section 410(2)(c) of the American Recovery and
40 Reinvestment Act of 2009.

41 § 7. Subdivision 2 of section 11-109 of the energy law, as amended by
42 chapter 560 of the laws of 2010, is amended to read as follows:

43 2. Any municipality which adopts a local energy conservation
44 construction code in accordance with this section shall file a copy of
45 such code and any amendments or revisions thereof with the [~~state fire
46 prevention and building code council~~] board within thirty days after
47 promulgation or adoption of such local code or any amendments or
48 revisions thereof. If the municipality files such copy within such thir-
49 ty day time period, the municipality may enforce such local code, amend-
50 ment or revision until and unless the [~~state fire prevention and build-
51 ing code council~~] board shall determine that such local code, amend-
52 ment or revision is not more restrictive than the code. If the municipality
53 fails to file such copy within such thirty day time period, the munici-
54 pality may not enforce such local code, amendment or revision until and
55 unless the [~~state fire prevention and building code council~~] board shall

1 determine that such local code, amendment or revision is more restric-
2 tive than the code.

3 § 8. The energy law is amended by adding a new section 11-111 to read
4 as follows:

5 § 11-111. Solar requirements for new buildings. 1. All new buildings
6 shall be built to accommodate the installation of a solar energy system
7 on their roofs. The board shall develop and adopt amendments to the
8 state building code within one year of the effective date of this
9 section to establish minimum standards that shall be met for new
10 construction to accommodate a solar energy system.

11 2. In drafting the amendments to the building code, the board shall
12 take into account existing building code requirements and compliance
13 costs. The board shall also consult with scientists, engineers, and
14 professional societies with relevant expertise in solar energy systems
15 and building construction.

16 3. At a minimum, the board shall include requirements for:

17 (a) static load roof strength, with a requirement that roofing where
18 solar equipment could be placed be capable of supporting a minimum of
19 six pounds per square foot;

20 (b) placement of non-solar related rooftop equipment, taking into
21 account positioning that avoids shading of solar equipment and maximiza-
22 tion of continuous roof space;

23 (c) sizing and provision of extra electrical panels to accommodate the
24 addition of an appropriately sized future solar energy system; and

25 (d) provision of space for a solar energy system DC-AC inverter in the
26 utility room or on an outside wall.

27 4. The board shall also consider including requirements for:

28 (a) roof orientation and angle;

29 (b) roof types that are compatible with a solar installation mounting
30 strategy that will require minimal or no roof penetrations; and

31 (c) a conduit for wiring from roof to electric panel.

32 5. To the extent necessary, the board shall promulgate separate stand-
33 ards for residential and commercial buildings and for different building
34 types and occupancies.

35 6. In developing these regulations, the board shall consult with the
36 New York state energy research and development authority and other state
37 agencies with relevant expertise.

38 § 9. The energy law is amended by adding a new section 11-112 to read
39 as follows:

40 § 11-112. Specific solar requirements for new buildings. 1. The board
41 shall develop and adopt amendments to the state building code within one
42 year from the effective date of this section to amend the state building
43 code to require certain types of new construction, as specified in this
44 section, to have a solar energy system.

45 2. Single-family dwellings shall have a solar energy system producing
46 sufficient electricity on an annual basis to meet one hundred percent of
47 the estimated average annual electricity demand of dwellings of a simi-
48 lar size and type.

49 3. Multi-family dwellings and large commercial buildings up to ten
50 stories in height shall have a solar energy system producing sufficient
51 electricity on an annual basis to meet minimum standards established by
52 the board, which may be based on the size of the roof, building type and
53 occupancy, estimated average annual electricity use of similar build-
54 ings, or other factors.

1 4. The board may require other categories of new construction or reno-
2 ated buildings to have a solar energy system, and set minimum standards
3 for the generating capacity of the solar energy system.

4 5. The board may reduce the required minimum generating capacity of
5 solar energy systems for single-family and multi-family dwellings by up
6 to twenty-five percent if installed in conjunction with a battery stor-
7 age system with a minimum capacity of 7.5 kilowatt-hours per dwelling
8 unit.

9 6. The board shall determine the average annual electricity consump-
10 tion for the types of buildings described in this section and revise its
11 determination at least every three years, taking into account changes in
12 electricity consumption due to energy efficiency improvements, electric
13 vehicle charging, air source heat pumps and other electric heating and
14 cooling technologies, and other factors.

15 § 10. The energy law is amended by adding a new section 11-113 to read
16 as follows:

17 § 11-113. Exemptions from specific solar requirements for new build-
18 ings. 1. Developers may seek an exemption from the inspector of build-
19 ings or building commissioner from the requirements under sections
20 11-111 and 11-112 of this article upon a sufficient showing that the
21 effective solar area is less than eighty contiguous square feet. Devel-
22 opers may seek a reduction in the required generating capacity of a
23 solar energy system upon a sufficient showing that the effective solar
24 area is eighty contiguous square feet or greater, but is insufficient to
25 allow for the installation of a solar energy system meeting the minimum
26 requirements established by the board.

27 2. Developers may seek an exemption from the inspector of buildings or
28 building commissioner from the requirements under sections 11-111 and
29 11-112 of this article upon a sufficient showing that a substitute
30 renewable energy system will be installed at the time of construction,
31 producing an equal or greater amount of electricity on an annual basis
32 as the minimum required solar installation under section 11-112 of this
33 article. Developers may seek a reduction in the required generating
34 capacity of a solar energy system upon a sufficient showing that a
35 substitute renewable energy system will be installed at the time of
36 construction, generating sufficient electricity on an annual basis to
37 offset the reduction in electricity produced by the solar energy system.

38 3. Developers may seek an exemption from the inspector of buildings or
39 building commissioner from the requirements under sections 11-111 and
40 11-112 of this article, or a reduction in the required size of a solar
41 energy system, upon a sufficient showing that a solar hot water heater
42 will be installed at the time of construction. Such exemption or
43 reduction shall only be granted to the extent that the installation of a
44 solar hot water heater will reduce the portion of the effective solar
45 area available for a solar energy system.

46 4. The board may allow exemptions from the requirements of this arti-
47 cle for affordable housing developments, after consulting with affor-
48 dable housing developers and operators, community development corpo-
49 rations, organizations that represent affordable housing residents, and
50 other stakeholders.

51 5. The board shall promulgate regulations within one year of the
52 effective date of this section that clearly defines the process for
53 seeking an exemption.

54 6. Should an exemption be granted, or if the new building does not
55 have a solar energy system producing sufficient electricity on an annual
56 basis to meet one hundred percent of the estimated average annual elec-

1 tricity demand of dwellings of a similar size and type, the developer
2 shall subscribe to a solar community distributed generation project
3 under section sixty-six-p of the public service law to meet the solar
4 generation needs of the building.

5 § 11. The energy law is amended by adding a new section 11-114 to read
6 as follows:

7 § 11-114. Amendments to the building code. 1. All future editions and
8 amended versions of the building code, as adopted by the board, shall
9 include regulations meeting the requirements of sections 11-111, 11-112
10 and 11-113 of this article.

11 2. The board may from time to time revise the regulations promulgated
12 under sections 11-111, 11-112 and 11-113 of this article, in accordance
13 with changes in technology and building practices.

14 § 12. The energy law is amended by adding a new section 11-115 to read
15 as follows:

16 § 11-115. Ensuring continued development incentives for new build-
17 ings. Compliance with the provisions of this article shall not impair a
18 building's eligibility for any incentives, rebates, credits, or other
19 programs in existence to encourage development of renewable energy
20 resources.

21 § 13. The energy law is amended by adding a new section 11-116 to read
22 as follows:

23 § 11-116. No granting of building permits without a showing of
24 compliance. A building permit for new construction shall not be granted
25 without a showing that the building complies with the requirements of
26 this article.

27 § 14. The energy law is amended by adding a new section 11-117 to read
28 as follows:

29 § 11-117. Penalties for failure to comply with this article. Any
30 person who fails to comply with or otherwise violates this article shall
31 be liable for a civil administrative penalty not to exceed ten thousand
32 dollars for each violation, or twice the estimated additional cost that
33 would have been incurred by constructing a building to meet the require-
34 ments of this article, whichever is greater.

35 § 15. This act shall take effect immediately; provided that the amend-
36 ments to subdivision 3 of section 11-103 of the energy law made by
37 section three of this act shall be subject to the expiration and rever-
38 sion of such subdivision pursuant to section 34 of part 0 of chapter 58
39 of the laws of 2024, as amended, when upon such date the provisions of
40 section four of this act shall take effect.

41 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
42 sion, section or part of this act shall be adjudged by any court of
43 competent jurisdiction to be invalid, such judgment shall not affect,
44 impair, or invalidate the remainder thereof, but shall be confined in
45 its operation to the clause, sentence, paragraph, subdivision, section
46 or part thereof directly involved in the controversy in which such judg-
47 ment shall have been rendered. It is hereby declared to be the intent of
48 the legislature that this act would have been enacted even if such
49 invalid provisions had not been included herein.

50 § 5. This act shall take effect immediately; provided, however, that
51 the applicable effective date of Parts A through M of this act shall be
52 as specifically set forth in the last section of such Parts.