STATE OF NEW YORK

6286

2025-2026 Regular Sessions

IN SENATE

March 7, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the public authorities law, in relation to establishing the agrivoltaics viability pilot program

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

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

§ 1885. Agrivoltaics viability pilot program. 1. Legislative intent. The legislature finds that as New York progresses to utilizing clean energy, the agricultural industry has an opportunity to play a substantial role in environmental conservation while also protecting and maintaining viable farmland through the practice of agrivoltaics. Dual-use solar energy projects have the potential to keep farmland as working agricultural landscapes providing economic benefits to farmers and assisting the state in reaching its climate and environmental impact goals. The legislature hereby declares that to progress the initiatives of the farmland viability program, the authority shall create an agrivoltaics viability pilot program.

2. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Agrivoltaics" shall mean the simultaneous use of areas of land for both solar power generation and agriculture. For the purposes of this section, agrivoltaics shall be narrowed to the practices of a dual-use solar energy project.

(b) "Dual-use solar energy project" means a solar installation that integrates solar arrays and farming activity on the same ground. To be considered dual-use, a solar installation cannot significantly displace farming activity; farming activity must be maintained throughout the life of the solar facility in a manner that is consistent with commercial agricultural production as appropriate to the capacity of the land.

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

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The term "dual-use" refers to a solar installation that: (i) retains or enhances the land's agricultural productivity, both short term and long term; (ii) is built, maintained, and has provisions for decommissioning to protect the land's agricultural resources and utility; and (iii) supports the viability of a farming operation.

3. Agrivoltaics viability pilot program. The authority shall initiate and maintain a state agrivoltaics viability pilot program in consultation with the department of agriculture and markets. The agrivoltaics viability pilot program shall provide grants to identify the best practices and strategies for dual-use solar energy projects that protect soil health during construction and decommissioning of solar arrays, utilize sustainable agricultural production practices, monitor any benefits solar energy may have on farms and to the state, track economic viability, study the commercialization of dual-use solar energy projects, and encourage equitable engagement of stakeholders.

(a) The authority, in consultation with the department of agriculture and markets, the public service commission, and the department of environmental conservation, shall adopt policies and procedures necessary for the implementation of the pilot program, including but not limited to: (i) the process by which a developer may apply for the approval needed to participate in the pilot program; provided, however, that such process shall require that the developer obtains the written consent of the landowner; and (ii) provisions prescribing standards concerning impervious cover which may be permitted in connection with dual-use solar energy projects authorized to be constructed, installed, and operated on farmland pursuant to this section.

(b) One year after grants are distributed for the purposes of the pilot program and every two years thereafter, the authority shall report to the governor, the temporary president of the senate and the speaker of the assembly on the agrivoltaics viability pilot program and its results.

§ 2. This act shall take effect six months after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.