

STATE OF NEW YORK

8519

2025-2026 Regular Sessions

IN SENATE

October 3, 2025

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

AN ACT to amend the public service law, in relation to certain reforms for ORES oversight of siting of major renewable energy facilities and major electric transmission facilities

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

1 Section 1. Subdivision 2 of section 3-c of the public service law is
2 amended by adding a new paragraph (g) to read as follows:

3 (g) ORES shall maintain a centralized, publicly accessible online
4 dashboard that shall contain up-to-date information on all projects
5 pursuant to siting permits pending or approved under article eight of
6 this chapter. Such dashboard shall include, at a minimum, for each such
7 project:

8 (i) name, location, and megawatt capacity;

9 (ii) current status of such project;

10 (iii) dates and status of all public comment periods and hearings;

11 (iv) links to relevant public documents, including application materi-
12 als, deficiency letters, responses, and determinations;

13 (v) a summary of procedural milestones and anticipated timelines; and

14 (vi) a tracker for the status of applications submitted pursuant to
15 subdivision one of section one hundred forty-two and subdivision one of
16 section one hundred forty-three of this chapter, which shall include,
17 but not be limited to:

18 (1) the date of submission;

19 (2) the date of determination of completeness; and

20 (3) if applicable, any notices and communications between ORES and the
21 applicant, including extensions of the time period for a determination
22 of application completeness.

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

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1 § 2. Subdivisions 1, 5 and 6 of section 142 of the public service law,
2 as added by section 11 of part 0 of chapter 58 of the laws of 2024, are
3 amended to read as follows:

4 1. Notwithstanding any law to the contrary, ORES shall, within [~~sixty~~
5 ninety] days of its receipt of an application for a siting permit with
6 respect to a major renewable energy facility subject to this article
7 determine whether the application is complete and notify the applicant
8 of its determination. If ORES does not deem the application complete,
9 ORES shall set forth in writing delivered to the applicant the reasons
10 why it has determined the application to be incomplete. If ORES fails to
11 make a determination within the foregoing [~~sixty-day~~] ninety day time
12 period, the application shall be deemed complete; provided, however,
13 that the applicant may consent to an extension of the [~~sixty-day~~] ninety
14 day time period for determining application completeness. Provided,
15 further, that no application may be complete without proof of consulta-
16 tion with the municipality or political subdivision where the project is
17 proposed to be located, or an agency thereof, prior to submission of an
18 application to ORES, related to procedural and substantive requirements
19 of local law.

20 5. (a) Following the expiration of the public comment period set forth
21 in this section, and following the conclusion of a hearing undertaken
22 pursuant to subdivision four of this section, ORES shall, in the case of
23 a public comment period, issue a written summary of public comments and
24 an assessment of comments received, and in the case of an adjudicatory
25 hearing, the executive director or any person to whom the executive
26 director has delegated such authority shall issue a final written hear-
27 ing report. A final siting permit may only be issued if ORES makes a
28 finding that the proposed project, together with any applicable uniform
29 and site-specific standards and conditions, would comply with applicable
30 laws and regulations. In making a final siting permit determination with
31 respect to a major renewable energy facility, ORES may elect not to
32 apply, in whole or in part, any local law or ordinance that would other-
33 wise be applicable if it makes a finding that, as applied to the
34 proposed facility, it is unreasonably burdensome in view of the CLCPA
35 targets, and the environmental benefits.

36 (b) ORES may find a local law or ordinance unreasonably burdensome in
37 view of the CLCPA targets and the environmental benefits under paragraph
38 (a) of this subdivision only if ORES makes a written determination,
39 supported by substantial evidence, that:

40 (i) such local law or ordinance would materially prevent or substan-
41 tially impair the state's ability to meet its renewable energy and
42 climate targets under the CLCPA; and

43 (ii) the public health and safety objectives served by such local law
44 or ordinance cannot be reasonably addressed through alternative project
45 designs, site-specific permit conditions, or mitigation measures.

46 (c) (i) If ORES determines to override a local law or ordinance under
47 this subdivision, the relevant municipality may request a public hearing
48 on such determination. Such request shall be made within twenty business
49 days of such municipality's receipt of ORES's proposed findings under
50 paragraph (b) of this subdivision.

51 (ii) ORES shall respond to a request under subparagraph (i) of this
52 paragraph within fourteen business days of receipt. ORES shall hold the
53 requested public hearing unless it determines in writing that such
54 public hearing request raises no material issues of fact or law.

55 (iii) After holding a public hearing requested under this paragraph,
56 or after denying the request for such public hearing, ORES shall issue

1 final written findings addressing each concern raised by the requesting
2 municipality.

3 6. (a) Notwithstanding any other deadline made applicable by this
4 section, ORES shall make a final decision on a major renewable energy
5 facility siting permit within one year from the date the application was
6 deemed complete, or within six months from the date the application was
7 deemed complete if such application relates to a major renewable energy
8 facility that is proposed to be sited on an existing or abandoned
9 commercial use, including without limitation, brownfields, landfills,
10 former commercial or industrial sites, dormant electric generating
11 sites, and abandoned or otherwise underutilized sites, as further
12 defined by the regulations promulgated by or in effect under this arti-
13 cle. Unless ORES and the applicant have agreed to an extension and if a
14 final siting permit decision has not been made by ORES within such time
15 period, then such siting permit shall be deemed to have been automat-
16 ically granted for all purposes set forth in this article and all
17 uniform conditions or [~~site-specific~~] site-specific permit conditions
18 issued for public comment shall constitute enforceable provisions of the
19 siting permit; provided, however, any portion of which is to be located
20 on the land of a landowner for which the applicant lacks an existing
21 right-of-way agreement or valid and enforceable lease or easement for
22 use of such relevant property, no such permit shall be automatically
23 granted. The final siting permit related to a major renewable energy
24 facility shall include a provision requiring the permittee to provide a
25 host community benefit, which may be a host community benefit as deter-
26 mined by the commission pursuant to section eight of part JJJ of chapter
27 fifty-eight of the laws of two thousand twenty or such other project as
28 determined by ORES or as subsequently agreed to between the applicant
29 and the host community.

30 (b) Where uniform conditions constitute enforceable provisions of a
31 siting permit under paragraph (a) of this subdivision, if such uniform
32 conditions override or preempt more protective local laws or ordinances,
33 ORES shall provide a written explanation including:

34 (i) why the local laws or ordinances cannot reasonably be met; and

35 (ii) whether a tailored site-specific condition could achieve the same
36 regulator objective.

37 (c) ORES shall expand its framework for uniform conditions as applied
38 under paragraph (a) of this subdivision, to better accommodate locally
39 significant concerns, including, but not limited to:

40 (i) ground and surface water quality, and impact on wells; and

41 (ii) geological concerns including but not limited to seismic risk,
42 soil stability and erosion, subsurface hydrogeology, and landslide or
43 subsidence risk.

44 § 3. Subdivisions 7 and 8 of section 143 of the public service law, as
45 added by section 11 of part O of chapter 58 of the laws of 2024, are
46 amended to read as follows:

47 7. (a) Following the expiration of the public comment period set forth
48 in this section, and following the conclusion of a hearing undertaken
49 pursuant to subdivision six of this section, ORES shall, in the case of
50 a public comment period, issue a written summary of public comments and
51 an assessment of comments received, and in the case of an adjudicatory
52 hearing, the executive officer or any person to whom the executive
53 director has delegated such authority shall issue a final written hear-
54 ing report. A final siting permit may only be issued if ORES makes a
55 finding that the proposed project, together with any applicable uniform
56 and site-specific standards and conditions, would comply with applicable

1 laws and regulations. In making a final siting permit determination with
2 respect to a major renewable energy facility or a major electric trans-
3 mission facility, ORES may elect not to apply, in whole or in part, any
4 local law or ordinance that would otherwise be applicable if it makes a
5 finding that, as applied to the proposed facility, it is unreasonably
6 burdensome in view of the CLCPA targets, the environmental benefits, and
7 in the case of a transmission facility, the public need for the proposed
8 project.

9 (b) ORES may find a local law or ordinance unreasonably burdensome in
10 view of the CLCPA targets and the environmental benefits under paragraph
11 (a) of this subdivision only if ORES makes a written determination,
12 supported by substantial evidence, that:

13 (i) such local law or ordinance would materially prevent or substan-
14 tially impair the state's ability to meet its renewable energy and
15 climate targets under the CLCPA; and

16 (ii) the public health and safety served by such local law or ordi-
17 nance cannot be reasonably addressed through alternative project
18 designs, site-specific permit conditions, or mitigation measures.

19 (c) (i) If ORES determines to override a local law or ordinance under
20 this subdivision, the relevant municipality may request a public hearing
21 on such determination. Such request shall be made within twenty business
22 days of such municipality's receipt of ORES's proposed findings under
23 paragraph (b) of this subdivision.

24 (ii) ORES shall respond to a request under subparagraph (i) of this
25 paragraph within fourteen business days of receipt. ORES shall hold the
26 requested public hearing unless it determines in writing that such
27 public hearing request raises no material issues of fact or law.

28 (iii) After holding a public hearing requested under this paragraph,
29 or after denying the request for such public hearing, ORES shall issue
30 final written findings addressing each concern raised by the requesting
31 municipality.

32 8. (a) Notwithstanding any other deadline made applicable by this
33 section, ORES shall make a final decision on a siting permit within one
34 year from the date the application was deemed complete. Unless ORES and
35 the applicant have agreed to an extension and if a final siting permit
36 decision has not been made by ORES within such time period, then such
37 siting permit shall be deemed to have been automatically granted for all
38 purposes set forth in this article and all uniform conditions or [~~site~~
39 ~~specific~~] site-specific permit conditions issued for public comment
40 shall constitute enforceable provisions of the siting permit; provided,
41 however, that with respect to a final siting permit decision related to
42 a major electric transmission facility, any portion of which is to be
43 located on the land of a landowner for which the applicant lacks an
44 existing right-of-way agreement and in which ORES has not made a public
45 need determination, no such permit shall be automatically granted.

46 (b) Where uniform conditions constitute enforceable provisions of a
47 siting permit under paragraph (a) of this subdivision, if such uniform
48 conditions override or preempt more protective local laws or ordinances,
49 ORES shall provide a written explanation including:

50 (i) why the local laws or ordinances cannot reasonably be met; and

51 (ii) whether a tailored site-specific condition could achieve the same
52 regulator objective.

53 (c) ORES shall expand its framework for uniform conditions as applied
54 under paragraph (a) of this subdivision, to better accommodate locally
55 significant concerns, including, but not limited to:

56 (i) ground and surface water quality, and impact on wells; and

1 (ii) geological concerns including but not limited to seismic risk,
2 soil stability and erosion, subsurface hydrogeology, and landslide or
3 subsidence risk.

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

6 3. For any public comment hearing operated by ORES:

7 (a) anyone who pre-registers to speak during the public comment
8 portion shall be given at least two minutes to speak; and

9 (b) the transcript of public comments shall be part of the administra-
10 tive record.

11 § 5. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law; provided, however that the amendments made
13 to sections 3-c, 142 and 143 of the public service law made by sections
14 one, two, three and four of this act shall not affect the repeal of such
15 sections and shall expire and be deemed repealed therewith. Effective
16 immediately, the addition, amendment and/or repeal of any rule or regu-
17 lation necessary for the implementation of this act on its effective
18 date are authorized to be made and completed on or before such effective
19 date.