*** § 1902. Powers and duties.** The authority is hereby authorized and directed to undertake such actions it deems necessary or convenient to foster and encourage the siting and development of build-ready sites throughout the state in accordance with this title, work in collaboration with the department of public service and the New York state urban development corporation and any of their affiliates, including without limitation:

1. (a) Locate, identify and assess sites within the state that appear suitable for the development of build-ready sites with a priority given to dormant electric generating sites, and preference to previously developed sites, provided that land used in agricultural production as defined by the department of agriculture and markets, with additional consideration for land within an agricultural district or land that contains mineral soil groups 1-4, shall not be deemed suitable for the development of a build-ready site except when necessary for generator lead lines and other equipment needed for interconnection of projects to the electric system. Such assessment may include but need not be limited to the following considerations:

(i) natural conditions at the site that are favorable to renewable energy generation;

(ii) current land uses at or near the site;

(iii) environmental conditions at or near the site;

(iv) the availability and characteristics of any transmission or distribution facilities on or near the site that could be used to facilitate the delivery of energy from the site, including existing or potential constraints on such facilities;

(v) the potential for the development of energy storage facilities at or near the site;

(vi) potential impacts of development on environmental justice communities; and

(vii) expressions of commercial interest in the site or general location by developers of major renewable energy facilities.

(b) (i) In making such assessment the authority shall give priority to previously developed sites, existing or abandoned commercial sites, including without limitation brownfields, landfills, former commercial or industrial sites, dormant electric generating sites, or otherwise

underutilized sites; and

(ii) the authority may establish a renewable energy generation project in furtherance of an agrivolatic project, where "agrivoltaic project" shall mean the simultaneous use of areas of land for both solar power generation and agriculture, specific to the practice of such dual-use solar energy project, where any of the previously developed sites listed in subparagraph (i) of this paragraph is reclaimed as farmland.

2. Notwithstanding any provision of law to the contrary that would require the authority to locate sites through a competitive procurement, negotiate and enter into agreements with persons who own or control interests in favorable sites for the purpose of securing the rights and interests necessary to enable the authority to establish build-ready sites;

3. Establish procedures and protocols for the purpose of establishment and transfer of build-ready sites which shall include, at a minimum: (a) written notice at the earliest practicable time to a municipality in which a potential build-ready site has been identified, provided however, that the authority shall not deem any site for qualified energy storage systems suitable without first consulting any municipalities with jurisdiction over the potential build-ready site and obtaining their approval; and (b) a preliminary screening process to determine, in consultation with the department of environmental conservation, whether the potential build-ready site is located in or near an environmental justice area and whether an environmental justice area would be adversely affected by development of a build-ready site;

4. Undertake all work and secure such permits as the authority deems necessary or convenient to facilitate the process of establishing build-ready sites and for the transfer of the build-ready sites to developers selected pursuant to a publicly noticed, competitive bidding process authorized by law;

* 5. Notwithstanding title five-A of article nine of this chapter or section two thousand eight hundred twenty-seven-a of this chapter, establish a build-ready program, including eligibility and other criteria, pursuant to which the authority would, through a competitive

and transparent bidding process, and using single purpose project holding companies established by or on behalf of the authority and having no separate and independent operational control, acquire, sell and transfer rights and other interests in build-ready sites and development rights to developers for the purpose of facilitating the development of renewable energy facilities on such build-ready sites, which single purpose project holding companies shall be subject to the laws of this chapter until conveyed to third parties. Such transactions may include the transfer of rights, interests and obligations existing under agreements providing for host community benefits negotiated by the authority pursuant to programs established pursuant to subdivision six of this section on such terms and conditions as the authority deems appropriate;

* NB Effective until April 19, 2030

* 5. Notwithstanding title five-A of article nine of this chapter, establish a build-ready program, including eligibility and other criteria, pursuant to which the authority would, through a competitive and transparent bidding process, transfer rights and other interests in build-ready sites and development rights to developers for the purpose of facilitating the development of renewable energy facilities on such build-ready sites. Such transactions may include the transfer of rights, interests and obligations existing under agreements providing for host community benefits negotiated by the authority pursuant to programs established pursuant to subdivision six of this section on such terms and conditions as the authority deems appropriate;

* NB Effective April 19, 2030

6. Establish one or more programs pursuant to which property owners and communities would receive incentives to host major renewable energy facilities or qualified energy storage systems developed for the purpose of advancing the state policies embodied in this article. Such program may include without limitation, and notwithstanding any other provision of law to the contrary, provisions for the authority to negotiate and enter into agreements with property owners and host communities providing for incentives, including a payment in lieu of taxes, the transfer of the authority's interests in such agreements to developers to whom build-ready sites are transferred, and the provision of

information and guidance to stakeholders concerning incentives. The authority shall maintain a record of such programs and incentives, and shall publish such record on the authority's website;

7. Procure the services of one or more service providers, including without limitation environmental consultants, engineers and attorneys, to support the authority's responsibilities under this section and perform such other functions as the authority deems appropriate;

8. In consultation with the department of economic development, the department of labor and other state agencies and authorities having experience with job training programs, assess the need for and availability of workforce training in the local area of build-ready sites to support green jobs development with special attention to environmental justice communities and, subject to available funding, establish one or more programs pursuant to which financial support can be made available for the local workforce and under-employed populations in the area;

9. Manage, allocate and spend any monies made available to the authority in furtherance of this title as the authority determines to be appropriate for the proper administration of programs created pursuant to this title. The authority shall, in identifying build-ready sites, consider the ability to recoup funds allocated or spent in furtherance of the programs created pursuant to this title. Any proceeds, less program expenses and administration, so earned by the authority pursuant to this title shall be reinvested in accordance with a plan approved by the commission;

10. Where the authority determines that it would be beneficial to the policy embodied in this title, offer financing or other incentives to eligible developers through a competitive process, including without limitation measures and activities undertaken by the authority in conjunction with its administration of the state's clean energy standard or similar program as established in commission orders, including without limitation orders issued in commission case number 15-E-0302; and

11. Request and receive the assistance of, the departments or any other state agency or authority, within their respective relevant subject matter expertise, to support the administration of the program created pursuant to this title.

* NB Repealed December 31, 2030