

October 2023 — Version 17

# NY-Sun Con Edison

## Program Manual



NEW  
YORK  
STATE

NY-Sun

# NYSERDA Record of Revision

---

Document Title
NY-Sun Con Edison Program Manual October 2023

Revision Date	Description of Changes	Revision on Page(s)
October 2023	Clarification regarding NY-Sun funding sources.	7
October 2023	Participating projects will be subject to any rules adopted by the Public Service Commission before or after the issuance of this Program Manual.	8
October 2023	NYSERDA reserves the right to deny newly submitted applications if the contractor or builder fails to comply with the NYSERDA Contractor Code of Conduct.	12
October 2023	Updates to the Prevailing Wage section.	13
October 2023	Removed incentive transition details that are no longer applicable. Prior incentive transition guidance can be found in preceding Program Manuals.	15
October 2023	Updates to the Multifamily Affordable Housing Incentive.	18
October 2023	Updates to the Brownfield/Landfill Solar Incentive section.	20
October 2023	New Floating Solar Incentive for floating solar electric systems that are installed on bodies of water such as lakes, reservoirs, and ponds.	21
October 2023	Updates to the Community Adder payment schedule.	22
October 2023	Clarification that Contractors must promptly inform NYSERDA if a project receiving the Community Adder is subsequently allocated Community Credit or is reconfigured so that it no longer qualifies as a CDG solar project.	22
October 2023	New rules for Round 2 of the Inclusive Community Solar Adder.	23
October 2023	NYSERDA is no longer offering the Companion Loan.	36
October 2023	Updates to required documents if using the Brownfield/Landfill Incentive.	45
October 2023	Addition of required documents if using the Floating Solar Incentive.	45
October 2023	Updates to CESIR Milestone Deliverables.	49

October 2023	New Inclusive Community Solar Adder rules regarding payment process, funding amount, and subscriber reporting.	53
October 2023	Updates to requirements for compliance with laws and codes.	62
October 2023	Updates to the inspection process for completed projects.	64
October 2023	Clarification for projects in suspended status.	66



# Table of Contents

---

<b>NYSERDA Record of Revision .....</b>	<b>2</b>
<b>1 Program Basics .....</b>	<b>7</b>
1.1 NY-Sun Incentive Program Summary .....	7
1.2 Program Participation .....	8
1.2.1 Qualifications .....	8
1.2.1.1 Experience .....	8
1.2.1.2 Customer References .....	9
1.2.1.3 NYSERDA Programs .....	9
1.2.1.4 Registered DER Provider .....	9
1.2.2 Contractor Qualifications, Roles, and Responsibilities .....	9
1.2.2.1 Contractor Qualifications .....	9
1.2.2.2 Contractor Roles and Responsibilities .....	10
1.2.3 Builder Qualifications, Roles, and Responsibilities .....	10
1.2.3.1 Builder Qualifications.....	10
1.2.3.2 Builder Roles and Responsibilities .....	11
1.2.3.3 Quality Solar Installer Designation.....	11
1.2.3.4 NYSERDA Logo Use.....	11
1.3 Contractor and Builder Resources .....	11
1.3.1 Solar Announcements.....	12
1.3.2 Tax Credits .....	12
1.4 Incentive Structure .....	12
1.4.1 Megawatt Block Program.....	12
1.4.2 Prevailing Wage Adder; Requirements for Prevailing Wage or Project Labor Agreement .....	13
1.4.2.1 Eligibility .....	13
1.4.2.2 Incentive Adder and Payments.....	14
1.4.2.3 Prevailing Wage Requirements .....	14
1.4.3 Incentive Transitions .....	15
1.4.4 System Size Cap .....	16
1.4.4.1 Nonresidential Project Co-location .....	16
1.4.5 Project and Application Modifications.....	17
1.4.6 Expansion of Completed Systems .....	17
1.4.7 Replacement of Completed Systems .....	17
1.4.8 Incentive Adders .....	17
1.4.8.1 Affordable Solar Residential Incentive .....	17
1.4.8.2 Multifamily Affordable Housing Incentive .....	18



1.4.8.3	Rooftop Solar Canopy Incentive .....	19
1.4.8.4	Parking Solar Canopy Incentive .....	20
1.4.8.5	Brownfield/Landfill Solar Incentive .....	20
1.4.8.6	Floating Solar Incentive .....	21
1.4.8.7	Nonresidential Solar Plus Energy Storage Projects .....	22
1.4.8.8	Community Adder.....	22
1.4.8.9	Inclusive Community Solar Adder.....	23
1.5	Green Jobs-Green NY Financing .....	36
1.5.1	Residential Customers.....	36
1.5.2	Nonresidential and Not-for-Profit Customers.....	37
1.6	Assignments .....	37
1.6.1	Residential Projects .....	37
1.6.2	Nonresidential Projects .....	37
1.6.2.1	Payment Assignments.....	37
1.6.2.2	Full Assignments.....	38
<b>2</b>	<b>Applying for Incentives .....</b>	<b>39</b>
2.1	Unsubmitted Status .....	39
2.2	Submitted Status.....	39
2.2.1	Document Details .....	40
2.2.2	Required Documents That Must Be Submitted with Each Application.....	41
2.2.3	Required for Residential and Nonresidential Projects .....	42
2.2.4	Required for Nonresidential Projects.....	43
2.2.5	Required Documents If Accessing Affordable Solar Residential Incentive .....	44
2.2.6	Required Documents If Using Multifamily Affordable Housing Incentive.....	44
2.2.7	Required Documents If Using Rooftop Canopy Incentive.....	44
2.2.8	Required Documents If Using Parking Canopy Incentive .....	45
2.2.9	Required Documents If Using Brownfield/Landfill Incentive.....	45
2.2.10	Required Documents If Using Floating Solar Incentive .....	45
2.2.11	Documents Not Required with Application: Must be Available Upon Request.....	45
2.3	Received Status .....	48
2.3.1	Technical Review.....	49
2.4	Pending Approval Status .....	49
2.5	Approved Status .....	49
2.5.1	Project Timelines .....	49
2.5.1.1	CESIR Milestone Deliverable .....	49
2.5.2	Actions in Approved Status .....	50
2.5.2.1	Project Cancellation Requests.....	50
2.5.2.2	Project Extension Requests .....	50
2.5.2.3	Project Modification Requests .....	51

2.5.2.4	Project Invoice Requests–Incentive Payments .....	52
2.6	Completed Status.....	59
<b>3</b>	<b>System Technical Requirements .....</b>	<b>60</b>
3.1	Solar Modules.....	60
3.2	Inverters.....	60
3.3	Solar Production Monitoring Equipment.....	60
3.4	System Losses .....	60
3.5	Grid Connection.....	61
3.6	Approved System Design.....	61
3.7	Interconnection .....	61
3.8	Other Electrical Components .....	62
3.9	Structural Requirements .....	62
3.10	Compliance with Laws and Codes .....	62
3.11	Rapid Shutdown Requirements.....	62
3.12	System Warranty for Purchase Agreements .....	63
3.13	Production Warranty for PPA/Leases.....	63
<b>4</b>	<b>Quality Assurance and Compliance .....</b>	<b>64</b>
4.1	Inspection of Completed Projects.....	64
4.2	Participation Status .....	65
4.2.1	Provisional Status .....	65
4.2.2	Full Status.....	65
4.2.3	Probation Status .....	65
4.2.4	Suspended Status .....	66
4.2.5	Terminated Status .....	67
4.2.6	Inactive Status .....	68
4.2.7	Status Review Process .....	68

# 1 Program Basics

---

## 1.1 NY-Sun Incentive Program Summary

The New York State Energy Research and Development Authority (NYSERDA) provides financial incentives and financing options through the NY-Sun Incentive Program for the installation of new grid-connected solar photovoltaic (solar electric) systems or residential solar photovoltaic systems on Long Island that pair with an electrical energy storage system (storage system) that offset the use of grid-supplied electricity.

Funding for the program has been allocated by the New York State Public Service Commission through the Clean Energy Fund (CEF) and an alternate surcharge mechanism, with additional funding made available through the Regional Greenhouse Gas Initiative (RGGI). Incentives are granted on a first-come, first-served basis, and applications will be accepted through December 31, 2030, or until funds are fully committed, whichever is earlier.

The program is divided into the following regions and sectors (all capacity measurements used in this document are Direct Current (DC) ratings unless noted otherwise):

- The region served by Con Edison (Con Ed)
  - Residential up to 25kW
  - Nonresidential up to 7.5MW, divided into three size categories:
    - Nonresidential under 200kW
    - Nonresidential greater than 200kW, up to 1MW
    - Nonresidential greater than 1MW
- The balance of the State (Upstate)
  - Residential up to 25kW
  - Nonresidential up to 750kW
  - Commercial/Industrial 750kW to 7.5MW

Incentives for Long Island Power Authority (LIPA) and New York Power Authority (NYPA) customers are made available through RGGI funding and are subject to separate funding limits. For the Long Island region (served by PSEG Long Island as the LIPA System Operator), NY-Sun incentives have been fully allocated as of February 2019, with the exception of the Affordable Solar Residential Incentive, the Multifamily Affordable Housing Incentive, and the Solar Plus Energy Storage Incentive. Incentive structure and rates for NYPA customers or customers with a municipal power supplier will be the same as those for non-NYPA customers in the same program region and sector.

Community Distributed Generation (CDG) projects are eligible for nonresidential and commercial/industrial incentives and subject to all program rules and any rules adopted by the Public Service Commission. A CDG project sponsor is considered a program customer.



**This program manual contains the terms and conditions applicable to residential and nonresidential projects in the Con Ed region.** Projects in Con Ed previously under the commercial/industrial program have been combined into the Con Ed nonresidential program. NYSERDA shall exercise reasonable discretion in interpreting these terms and conditions and/or making adjustments thereto for the effective administration of the program. Further, the participating projects will be subject to any rules adopted by the Public Service Commission before or after the issuance of this Program Manual. Any adjustments to the program rules will be timely listed at [nyserda.ny.gov/solar-contractor-resources](https://nyserda.ny.gov/solar-contractor-resources) and incorporated in periodic amendments to the program manual.

## 1.2 Program Participation

The residential and nonresidential program relies on contractors and builders to implement new solar electric systems for customers seeking incentives through the program. Contractors are responsible for the contract with the customer, while builders are responsible for the installation of the system. A company approved as both a contractor and builder is responsible for all aspects of the project. Before a contractor and builder can work together, they must establish a contractor-builder relationship agreement through the program. For details on the roles and responsibilities of each, see the Qualifications, Roles, and Responsibilities sections.

Incentives are only available for new solar electric systems that are designed and installed by participating contractors and builders. Incentives in the residential program will be provided directly to the contractor of record for the project, not to the customer or builder. Nonresidential projects will have the option to assign payment at time of application submission.

To participate in the program, a company must submit a contractor application, which can be found at [nyserda.ny.gov/become-a-solar-contractor](https://nyserda.ny.gov/become-a-solar-contractor). Interested companies may apply in either program, as a participating contractor, builder, or both at any time while the program is open.

Once a company is approved in the program, they will be given access to the NYSERDA Portal to begin submitting project applications. Initially, contractors and builders in the program will be in a provisional status. See the Quality Assurance and Compliance section for details on participation status.

### 1.2.1 Qualifications

#### 1.2.1.1 *Experience*

Prior experience with installation, shading analysis, or relevant skills, credentials, employment history, customer satisfaction, and other pertinent experiences, will be considered. Applicants are also evaluated on past performance in the NY-Sun or other NYSERDA programs.

Applicants are required to submit a standard customer agreement template that meets program requirements, quality assurance (QA) plan, organizational chart, and resumes of key personnel.

### *1.2.1.2 Customer References*

Residential and nonresidential program applicants must provide three verifiable solar electric customer references (customer name, address, phone, and email) for completed, grid-connected solar electric installations. System size (kilowatts), interconnection date, and the applicant's role in the project must be specified. Construction photos for the projects listed as a reference are required.

### *1.2.1.3 NYSERDA Programs*

An application will not be approved if the applicant has unresolved customer or performance issues in this or other New York State programs.

### *1.2.1.4 Registered DER Provider*

Applicants must contact the New York State Department of Public Service (DPS) to obtain a copy of the DER Provider Registration Determination letter and submit it to NYSERDA, regardless of whether the DER Provider registration is required.

- If applicable, applicant must be registered as a DER provider with the New York State Department of Public Service (DPS) to be eligible to participate in the Program. Additional information can be found at <https://dps.ny.gov/distributed-energy-resource-der-regulation-and-oversight>.
- Solar developers in the nonresidential program that do not contract with customers or subscribers should contact DPS to review their documents and business model to determine if registering as a DER Provider is required. The developer must provide a copy of the DER Provider Registration Determination letter that outlines registration is not required.

## **1.2.2 Contractor Qualifications, Roles, and Responsibilities**

The contractor role is necessary to participate in the residential and nonresidential programs.

### *1.2.2.1 Contractor Qualifications*

A contractor may use any business structure that is legal for conducting business in New York State (corporation, LLC, sole proprietorship, etc.) The contractor must meet all program requirements, including required insurance coverage and have the capability to provide warranty services on all solar electric and storage systems installed, if applicable, as required by the program and State law.

A contractor must comply with all local authority requirements for registration and licensing that apply to solar electric and storage system installations.

Visit [nyserdera.ny.gov/find-a-solar-contractor](https://nyserdera.ny.gov/find-a-solar-contractor) for a list of approved contractors.

### *1.2.2.2 Contractor Roles and Responsibilities*

- Holds the agreement with the customer
- Responsible for performance of builder or engineering, procurement, and construction (EPC) contractor
- Receives incentive payments unless payment assignment is identified
- Adheres to terms of participation agreement, NY-Sun Program rules, and NYSERDA Contractor Code of Conduct
- Adheres to terms of contractor and builder relationship agreement
- Responsible for customer complaints, warranties, and production guarantees for the entire system (including the energy storage system, if applicable)
- Compliance with applicable local, state and federal laws and regulations

### *1.2.3 Builder Qualifications, Roles, and Responsibilities*

The builder role is necessary for participation in the residential and nonresidential program only.

#### *1.2.3.1 Builder Qualifications*

Builders are responsible for maintaining an on-staff individual who has fulfilled one of the three credentialing paths listed below. Companies applying for builder status must include a copy of their credentialing certificate.

#### **1. NABCEP (North American Board of Certified Energy Practitioners) PV Installation Professional Certification**

Builders who choose to become credentialed through NABCEP must have a NABCEP certified PV Installation Professional on staff.

#### **2. IBEW-NECA Electrical Journeyman & Apprentice Training (International Brotherhood of Electrical Workers and National Electrical Contractors Association)**

Builders who choose to become credentialed through the IBEW must have a journeyman electrician who completed an IBEW/NECA, NABCEP, or Underwriter's Laboratory (UL) approved 40-hour PV training course on staff.

#### **3. UL (Underwriters Labs) PV System Installer**

Builders who choose to become credentialed through UL must have a UL certified PV System Installer on staff.



### *1.2.3.2 Builder Roles and Responsibilities*

- Responsible for installation and quality of project
- Responsible for maintaining a credentialed person on staff
- Agrees to terms of contractor and builder relationship agreement
- Adhere to NYSERDA Contractor Code of Conduct
- Compliance with applicable local, state and federal laws and regulations

### *1.2.3.3 Quality Solar Installer Designation*

Builders who are in full status, have completed at least 12 projects within the past calendar year, and have an average field QA score of 4.0 or greater of issued reports within the past calendar year, are eligible for the NYSERDA Quality Solar Installer (QSI) designation.<sup>1</sup> Builders who have achieved the Quality Solar Installer designation for three consecutive years are eligible for the NYSERDA Quality Solar Installer–Gold Status designation.

Builders that achieve the QSI designation can use this designation as a third-party differentiator and validation of their work quality with clients and prospects. As a NYSERDA Quality Solar Installer or NYSERDA Quality Solar Installer–Gold Status, builders will receive special listing recognition on the NYSERDA NY-Sun website. In addition, these builders receive a NYSERDA Quality Solar Installer logo or Quality Solar Installer–Gold Status logo to use in their marketing materials, subject to NYSERDA guidelines. The designations are valid for one calendar year and will be reevaluated each year.

### *1.2.3.4 NYSERDA Logo Use*

Contractors and builders are prohibited from using NYSERDA’s logo on their website or any marketing materials, with the exception of builders that have received the Quality Solar Installer (QSI) designation, who may only use the authorized NYSERDA QSI logo in their marketing materials, subject to NYSERDA guidelines.<sup>2</sup>

## **1.3 Contractor and Builder Resources**

Contractors and builders are encouraged to visit [nyserdera.ny.gov/solar-contractor-resources](https://www.nyserdera.ny.gov/solar-contractor-resources) for sample program documents, instructional guides, technical fact sheets, QA checklists and inspection criteria, Contractor Code of Conduct, and other program documents.

---

<sup>1</sup> The Quality Solar Installer Designation and the Gold Status should not be construed as NYSERDA’s endorsement, guarantee, or warranty of any particular manufacturer, product, the Builder, or the Contractor.

<sup>2</sup> Guidelines are available on NY-Sun’s Resources for Contractors page: <https://www.nyserdera.ny.gov/All-Programs/NY-Sun/Contractors/Resources-for-Contractors>

### 1.3.1 Solar Announcements

Contractors and builders are responsible for staying current on all program updates by registering for email announcements at <https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Contact-Us/Email-Updates>. NYSERDA provides email updates on upcoming webinars, stakeholders meetings, and other program announcements.

### 1.3.2 Tax Credits

Customers may be eligible for State and federal tax credits or qualify for real property tax exemptions and tax abatement programs, along with accelerated depreciation allowances. The contractor or builder should inform customers about the availability of tax credits and other governmental assistance, and advise them to consult with an attorney, accountant, or tax professional to determine eligibility.

Real property tax information can be found at the New York State Department of Taxation & Finance Office of Real Property Tax Services website. The real property tax exemption Form RP-487 may be found at [http://www.tax.ny.gov/pdf/current\\_forms/orpts/rp487\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/orpts/rp487_fill_in.pdf).

A list of jurisdictions that have opted out of the real property tax exemption and where access to Form RP-487 does not apply may be found at <http://www.tax.ny.gov/research/property/legal/localop/487opt.htm>.

Information regarding the appraisal methodology for solar projects is available at <https://www.tax.ny.gov/research/property/renewable-appraisal.htm>.

## 1.4 Incentive Structure

### 1.4.1 Megawatt Block Program

The NY-Sun Megawatt Block (MW Block) program is based on a declining capacity block model—an incentive structure designed to provide certainty and transparency around incentive levels; account for regional market differences; clarify that New York State intends to phase out cash incentives in a reasonable time frame; and eliminate those incentives sooner in regions where market conditions can support it, based on market penetration, demand, and payback.

The MW Block program allocates solar capacity targets to specific regions of the State, breaks those targets into blocks, and assigns incentives per block. Incentives are awarded based on the block in effect at the time of submission. Incentives are available on a first-come, first-served basis and are based on DC module wattage ratings at standard test conditions (nameplate rating). Program incentives are not awarded until a project has achieved an approved status. Once the project is approved, the contractor or builder will be notified of the incentive amount. NYSERDA reserves the right to deny newly submitted applications if the contractor or builder is delinquent in installation milestones for other solar electric projects with an approved status or fails to comply with the Program rules and requirements or the NYSERDA Contractor Code of Conduct. Any contractor or builder who moves forward with the

installation of a project that does not yet have an approved status in the Program does so at their own financial risk. Projects interconnected with the utility distribution system, prior to being submitted to the Program, may not be eligible to receive program incentives.

Projects with an approved status will not be allowed to cancel and reapply for higher or new incentive rates unless specifically allowed by the Public Service Commission or the Program Rules.

NYSERDA will monitor market conditions and MW Block subscription and adjust accordingly. Once all blocks within a region/sector are fully subscribed, the incentive is no longer available to that region/sector. NYSERDA will notify stakeholders in advance of any planned changes.

The incentive eligibility varies by the residential or nonresidential service classification of the utility meter. A site/ meter is where the solar electric system will be interconnected to the utility. Farms meeting the Agriculture and Markets Law 301 definition of “farm operation” will be considered nonresidential.

Information on the MW Block design, including real-time data on the current incentive levels for Upstate Region can be found by visiting [nyserdera.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/Upstate-Dashboard](https://nyserdera.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/Upstate-Dashboard).

## 1.4.2 Prevailing Wage Adder; Requirements for Prevailing Wage or Project Labor Agreement

### 1.4.2.1 *Eligibility*

For solar projects 1 MWac and greater in capacity where the initial utility interconnection application is submitted after April 14, 2022 (Prevailing Wage Required Projects), developers are required to:

- Submit an addendum or update to the program participation agreement prior to NYSERDA’s approval of the first application for a covered project.
- Pay New York State Prevailing Wage or enter into project labor agreements for construction activities associated with project development and installation in order to meet the eligibility for the NY-Sun incentives and adders (hereafter, the “prevailing wage requirement”).
- Substantiate compliance with the prevailing wage requirement via quarterly certifications by a New York State licensed Certified Public Accountant during the project construction period, to be submitted to NYSERDA upon invoice for the project’s Commercial Operation payment.

Solar projects 1 MW-ac and greater in capacity that meet the following requirements are eligible to opt-in to comply with the prevailing wage requirement and receive the Prevailing Wage Adder (Prevailing Wage Opt-In Projects). Eligible projects may opt-in to comply with the prevailing wage requirement and receive the Prevailing Wage Adder at any time prior to submission of the Commercial Operation invoice, while the authorized funds are available. Projects are able to opt-in anytime prior to the submission of the commercial operation invoice.



#### Prevailing Wage Opt-In Requirements:

- Submit an addendum or update to the program participation agreement prior to NYSERDA's approval of the first application for a covered project.
- Submit applications to Upstate C/I Block 21 or later, or to the second Con Edison Nonresidential Block or later;
- Notify NYSERDA of their intention to Opt-In and sign a new project application that certifies that the project is subject to the prevailing wage requirement, and
- Substantiate compliance with the prevailing wage requirement via quarterly certifications by a New York State licensed Certified Public Accountant during the project construction period, to be submitted to NYSERDA upon invoice for the project's Commercial Operation payment.

Projects that are neither Prevailing Wage Required Projects nor Prevailing Wage Opt-In Projects, shall not be considered for or paid the Prevailing Wage Adder. Ineligible projects also include those that have received NY-Sun incentive awards under the Upstate C/I Block 20 or before, or the first Con Edison Nonresidential Block, as well as any project under 1 MWac in capacity, regardless of any other statutory or contractual requirement placed on the project related to prevailing wage.

#### *1.4.2.2 Incentive Adder and Payments*

The Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects are eligible to receive an additional NY-Sun incentive adder, Prevailing Wage Adder, while the approved funds are available. For Upstate Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects, the adder is \$0.125 per Watt DC, and will be paid out in the same manner as the base incentive. For Con Edison Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects, the adder is \$0.20 per Watt DC, and will be paid out in the same manner as the base incentive.

Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects are eligible to: (i) invoice for and receive 100% of the Prevailing Wage Adder at project completion, or (ii) elect to receive 50% of the Prevailing Wage Adder at project completion, 25% at first anniversary of completion, and 25% at second anniversary of completion. Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects are required to submit all the quarterly certifications by a New York State licensed Certified Public Accountant during the project construction period when submitting the Commercial Operation invoice. The required certification must be obtained for each eligible project at the end of each calendar quarter during the entirety of the project construction period.

#### *1.4.2.3 Prevailing Wage Requirements*

**Failure to comply with the prevailing wage requirement as set forth within the Program rules, relevant Commission Orders, accepted project application, the Program participation agreement, and any addendum thereto, may cause the Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects to lose all NY-Sun incentives associated with the project, and/or result in the Participating Contractor's suspension from the Program.**

Prevailing Wage Required Projects and Prevailing Wage Opt-In Projects must enter into a project labor agreement; or pay prevailing wage to all laborers, workmen and mechanics, within the meaning of NYS Labor Law Article 8, performing on-site construction activities for covered projects, whether through long-term or short-term employment and when completed prior to the project in-service date. The prevailing wage requirement will apply to direct employees of the developer and of developer's subcontractor(s).

The applicable Prevailing Wage in the area where the eligible solar facility will be situated, erected and used, will be as published by the NYS Department of Labor<sup>3</sup> or the equivalent Prevailing Wage requirements of the jurisdiction where the covered solar facility is located. While the program participation agreement will refer to the NYS Labor Law Article 8, such reference will be limited to establish the amount of the Prevailing Wage required to be paid pursuant to the April 2022 Order and the categories of persons required to be paid such Prevailing Wage. The NYS Labor Law Article 8 shall not apply to the program participation agreement as a matter of law; however, the prevailing wage requirement established thereunder will apply to the participation agreement as a matter of policy.

Construction activities within the scope of this requirement include, but are not limited to, the clearing, grubbing, grading, staging, installation, erection and placement of the facility, the energy storage component of the facility, electrical interconnection, as well as start-up and commissioning of the facility during the construction period. The construction period will begin on the first day of construction activities and end on the day the covered project achieves commercial operation. NYSERDA will enforce this contractual requirement pursuant to the NY-Sun Program rules and may request documentation from the contractor demonstrating compliance with this requirement, including required certifications prepared by an independent New York State certified public accountant, or conduct random audits. A change in the law addressing prevailing wage requirement for the covered solar facilities may result in a change in the compliance requirements and enforcement protocols.

### 1.4.3 Incentive Transitions

*For incentive transition rules for projects that have, prior to the issuance of the April 2022 Public Service Commission Order Expanding the NY-Sun Program, applied for or received NY-Sun incentives please refer to version 15 of the NY-Sun Program Manual.*

Projects that were awarded the Community Credit prior to applying for NY-Sun incentives, or that are subsequently awarded the Community Credit, will receive the Block 10 incentive rate of \$.20 per Watt DC. Projects that have the Community Credit are not eligible for the Community Adder.

---

<sup>3</sup> New York State Department of Labor Public Work and Prevailing Wage webpage: <https://dol.ny.gov/public-work-and-prevailing-wage>

#### 1.4.4 System Size Cap

**Project incentives are capped at the following system sizes:**

Sector	PV System Size Cap
Residential	25kW DC
Nonresidential up to 200 kW	200kW DC
Nonresidential 200kW–1 MW	1 MW DC
Nonresidential 1 MW–7.5 MW	7.5 MW DC

Residential projects calculated to offset more than 110% of the systems' annual electric usage are not eligible for incentives or financing. New construction residential systems must not exceed 110% of the calculated yearly projected kilowatt-hour of electric usage. The 110% limit does not apply to nonresidential projects.

##### *1.4.4.1 Nonresidential Project Co-location*

Dividing larger nonresidential projects, including by subdividing tax parcels, into multiple smaller nonresidential sized projects for the purpose of receiving a higher incentive rate is not allowed. For example, three individual 200 kW projects on the same parcel or building are eligible for the “200 kW–1 MW” nonresidential incentive rate, and are **not** eligible for the “Up to 200 kW” nonresidential incentive rate. Exceptions to this rule are described below:

- Multiple systems on a single “campus” parcel may be eligible for incentives if each system is sited on a separate building. For example, an office campus with four individual buildings on the same parcel, with a system sited on each individual building, constitutes four “sites/meters,” each of which may be eligible for incentives, subject to the kilowatt and usage caps. Systems that meet these criteria will be eligible if the campus is served by an existing master meter(s), by existing individual building meters, or by new meters installed for the system.
- Multiple systems on a single building may be eligible for incentives if each system is serving customer load behind an existing meter. The incentive cap will apply to each meter. For example, a shopping mall with four existing separately metered businesses constitutes four “sites/meters,” each of which may be eligible for incentives, subject to the kilowatt and usage caps.
- Multiple systems on the same site, tax parcel, and/or building may be eligible for incentives in the case where a significant portion of the generation of one system is credited to off-site accounts, and each of the other system(s) is primarily serving onsite customer load.

#### 1.4.5 Project and Application Modifications

Once a project application has been submitted in the portal, no changes to the contractor, payee, site address, metering type, or customer name are allowed except as described below.

Nonresidential projects will be allowed to change their selected metering method one time from CDG to remote crediting, or vice versa, without penalty. Such project conversions must be made prior to invoicing. If a project awarded the Community Adder switches to remote crediting, the Community Adder award will be cancelled. A project that converts to remote crediting does not need to identify a customer. A project that converts to CDG will be eligible for the Community Adder that is available at the time of the project's conversion.

#### 1.4.6 Expansion of Completed Systems

Additional incentives for the expansion of a project previously completed in the program may be requested. The initial application must be completed in its entirety, and the new application must indicate that it is an expansion system.

- Residential projects will continue to be capped at 110% of the systems annual electric usage and 25kW.
- Nonresidential projects will be capped so that the aggregate incentivized system size between the initial system and expansion system does not exceed 7.5MW. All required documents must be submitted.

#### 1.4.7 Replacement of Completed Systems

NYSERDA will not award incentives to a project that replaces an existing solar installation that received a NY-Sun incentive. Project owners and contractors are encouraged to repair existing systems when necessary.

#### 1.4.8 Incentive Adders

NYSERDA offers a set of incentive adders to support PV deployment in specific market segments. The contractor is responsible for selecting adders, if any, on the project application prior to submission.

##### *1.4.8.1 Affordable Solar Residential Incentive*

Additional incentives for solar electric installations are available for households that qualify as low- to moderate-income, through the Affordable Solar Residential Incentive. To apply, the customer must submit the NYSERDA Income Eligibility application found at [https://nyserda.seamlessdocs.com/f/Income\\_Eligibility](https://nyserda.seamlessdocs.com/f/Income_Eligibility) to NYSERDA's income eligibility service provider.

Projects eligible for the Affordable Solar Residential Incentive will receive a total incentive of \$0.80/W of nameplate capacity. In cases where the standard incentive would be reduced due to losses from shading, azimuth, and tilt, the Affordable Solar Residential Incentive will be likewise reduced, per the System Losses section in the System Technical Requirements.

If the standard program incentive in the final MW Block is exhausted, eligible projects will continue to receive the Affordable Solar Residential Incentive until funding is exhausted.

**To be eligible for the Affordable Solar Residential Incentive, a solar electric project must meet all requirements of the program, and:**

- Service the owner-occupied primary residence of an eligible customer according to program rules, or service a residential affordable housing property that has documented eligibility. See Applying for Incentives section for details.
  - Have a nameplate capacity equivalent to but not greater than the lower of
  - 110% of projected annual energy usage after implementation of electric efficiency measures identified by the required audit or confirmation that these measures are already in place.
  - 100% of current annual energy usage.
- Include an escalation of monthly payment or energy rate no greater than 1.5% annually, if financed through a lease or PPA.

The Affordable Solar Residential Incentive cannot be applied to an expansion of a completed system project.

#### *1.4.8.2 Multifamily Affordable Housing Incentive*

Additional incentives for solar electric installations are available for nonresidential projects in the Con Edison region serving multifamily affordable housing properties. Eligible non-CDG projects will receive a total incentive of \$1.60/W for the first 200kW of the project, and eligible CDG projects will receive a total incentive of \$2.00/W for the first 200kW of the project. This total incentive will include the applicable nonresidential base incentive and Community Adder (if applicable), plus an added incentive. The added incentive will be adjusted as the base incentive steps down to maintain either the \$1.60/W or \$2.00/W total. Project capacity above 200kW will receive the applicable nonresidential base incentive. The Multifamily Affordable Housing Incentive cannot be combined with other incentive adders.

Projects submitted prior to May 14, 2020, under the previous 50kW added incentive cap or Upstate incentive level may not be modified or cancelled in order to obtain incentives under the higher cap and/or incentive level. Projects that have been awarded the Community Credit will receive a combined incentive of \$1.00/W for the first 200kW of the project.

**To be eligible for the Multifamily Affordable Housing Incentive, a solar electric project must meet all requirements of the program, and:**

- Project must be sited at an affordable housing property that has documented eligibility (see required documents under Applying for Incentives section); and offset the usage of the affordable housing property (behind-the-meter) or its residents (Community Distributed Generation from system located on property).
- Community Distributed Generation projects on eligible properties with offsite satellite accounts must meet one of the following conditions:
  - Demonstrate that no less than 40% of the project capacity will be dedicated to low-to-moderate income satellite accounts.
  - The eligible property must be owned by a public housing authority or nonprofit organization and demonstrate that no less than 20% of the project capacity will be dedicated to low-to-moderate income satellite accounts.
  - The eligible property must be owned by a public housing authority or nonprofit organization and demonstrate that no less than 20% of the project capacity will be dedicated to an eligible affordable housing building within the same affordable housing portfolio or development.
- Remote Crediting projects must demonstrate that all project capacity will be dedicated to an affordable housing property with documented eligibility.

Community Distributed Generation projects on eligible properties will receive an additional \$0.15/W (total of \$2.15/W) if the eligible property is owned by a public housing authority or nonprofit organization and the project demonstrates that no less than 60% of project capacity will be dedicated to low-to-moderate income satellite accounts, with a minimum bill credit discount of 20% or equivalent; and with any remaining capacity dedicated to an eligible affordable housing building within the same affordable housing portfolio or development (including the project site). Projects submitted prior to May 14, 2020, may be modified to receive the higher incentive level if they can document that the increased LMI participation and savings requirements will be met.

Documentation for the low-to-moderate income satellite account requirements for Community Distributed Generation projects have been met must be submitted to NYSERDA for project approval and prior to the payment of the additional and base incentives. Visit [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources) to view the Multifamily Affordable Housing Incentive Eligibility Criteria document for more detailed documentation requirements.

#### *1.4.8.3 Rooftop Solar Canopy Incentive*

Additional incentives are available for newly constructed rooftop canopy structures. In addition to the standard nonresidential incentive, eligible solar electric projects will receive an extra incentive for the first 25kW of the project. Project capacity above 25kW will receive the applicable nonresidential base incentive.



Rooftop canopies are solar electric arrays elevated above the roof to mitigate obstructions such as HVAC equipment. Rooftop solar canopies must be designed to meet or exceed minimum structural code requirements while providing adequate and code compliant access and clearance that allows for individuals to walk under the structure.

The rooftop solar canopy added incentive must be identified at time of application. Any part of the system that is not a canopy will receive the base incentive. Visit [nysderda.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/ConEd-Dashboard](https://nysderda.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/ConEd-Dashboard) for information on current incentive adder levels.

#### *1.4.8.4 Parking Solar Canopy Incentive*

Additional incentives are available for newly constructed solar parking canopies. In addition to the standard nonresidential incentive, eligible solar electric projects will receive an extra incentive. Parking solar canopies are elevated above parking lots or added to the open top deck of a parking garage structure to provide both shade and energy production. Parking solar canopies must be designed to meet or exceed minimum structural code requirements while providing adequate vehicle and pedestrian clearance.

The parking solar canopy added incentive must be identified at time of application. Any part of the system that is not a canopy will receive the base incentive. Visit [nysderda.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/ConEd-Dashboard](https://nysderda.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/ConEd-Dashboard) for information on current incentive adder levels.

#### *1.4.8.5 Brownfield/Landfill Solar Incentive*

Additional incentives are available for ground mounted solar electric systems on brownfields or landfills for nonresidential projects. In addition to the standard incentive, eligible projects will receive an additional \$0.15/W incentive. Eligible systems must be located on: (a) a NYSDEC Brownfield Cleanup Program site, as evidenced by a (i) fully executed Brownfield Cleanup Agreement or (ii) a Certificate of Completion and a Site Management Plan and Environmental Easement that do not prohibit such a system; (b) a closed solid waste landfill, provided that NYSDEC has approved the end use of the landfill to allow ground mounted solar electric systems in accordance with 6 NYCRR Part 363; (c) the site of a current or former hazardous waste facility, provided that NYSDEC or USEPA has approved a permit, corrective action or closure plan, as applicable, or issued some other written authorization allowing ground mounted solar electric systems in accordance with 6 NYCRR Part 373; (d) a New York State Inactive Hazardous Waste Disposal Site, provided that NYSDEC or USEPA has issued a written authorization allowing ground mounted solar electric systems; or (e) a mine, provided that ground mounted solar electric systems are allowed by NYSDEC under the NYS Environmental Conservation Law Article 23 mining permit, or a former mine that has completed a NYSDEC approved reclamation. In all cases, the incentive shall be available for the portion of the system that is located on a site identified in sections (a) through (e), above.

The brownfield/landfill incentive adder must be identified at the time of application along with documentation establishing that the system is eligible based on its proposed location, such as a Brownfield Cleanup Agreement or Certificate of Completion, NYSDEC or USEPA approval for the use of the site, or portion thereof, for ground mounted solar electric systems, NYSDEC mining permit allowing the use of the site, or portion thereof, for ground mounted solar electric systems, or NYSDEC-approval of a completed mine reclamation, as applicable.

Developers of proposed systems for nonresidential projects that did not secure a megawatt block award are still eligible to apply for the brownfield/landfill adder. Developers of proposed systems that did not secure a base incentive award due to final block closures are still eligible to apply for the brownfield/landfill adder. Proposed systems receiving the brownfield/landfill adder may also receive the Community Adder and Inclusive Community Solar Adder, if eligible. Proposed systems receiving the brownfield/landfill adder may not receive the Multifamily Affordable Housing Incentive.

### **Brownfield/Landfill Incentive Payments**

The contractor receives the total project incentive in one installment. To request the incentive payment, the project invoice must be submitted in the portal for approval.

For systems that were determined to be eligible for the Brownfield/Landfill Incentive at the time of application based upon the existence of a signed Brownfield Cleanup Agreement but without a Certificate of Completion, the project invoice must include the Certificate of Completion as well as a Site Management Plan and Environmental Easement that do not prohibit installation of a ground mounted solar electric system on the site.

#### *1.4.8.6 Floating Solar Incentive*

Additional incentives are available for floating solar electric systems that are installed on bodies of water such as lakes, reservoirs, and ponds. In addition to the standard incentive, eligible projects will receive an additional \$0.15/W Floating Solar incentive. Eligible systems must be mounted on floating structures or platforms on the surface of a body of water. The project must have received all non-ministerial permits to construct the project, such as approval under the DEC Protection of Waters Program, or from the Department of Health (DOH) if installation is on a public water supply. The floating solar incentive adder must be identified at the time of application.

Eligible nonresidential that did not secure a megawatt block award will receive the floating adder. Projects that did not secure a base incentive award due to final block closures are still eligible to apply for the floating adder.

Projects receiving the floating solar adder may also receive the Community Adder and Inclusive Community Solar Adder, if eligible. Projects receiving the floating solar adder may not also receive the Multifamily Affordable Housing Incentive.

#### *1.4.8.7 Nonresidential Solar Plus Energy Storage Projects*

Incentives for an energy storage system installed alone, or paired with a nonresidential solar system may become available through the [Retail Energy Storage Incentive Program](#). If a project is pairing a solar system with an energy storage system, that Contractor must be approved in both the NY-Sun Program and Retail Energy Storage Incentive Program. The Contractor should submit the NY-Sun project application first and identify the accompanying 10-digit NY-Sun project application number when submitting the Retail Energy Storage project application.

#### *1.4.8.8 Community Adder*

The Community Adder is available to CDG solar projects that did not qualify for a Market Transition Credit (MTC) or Community Credit (CC) under the Value Stack. The Community Adder is available for nonresidential and commercial/industrial CDG projects located in the ConEdison and Upstate utility territories, subject to funding availability. Community Adder funds are not available in the Long Island region. The Community Adder takes the form of an upfront (\$/Watt) incentive, which may be awarded in addition to the base incentive.

Incentive availability and the current incentive rate are displayed on a live dashboard at [nyserdera.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/Community-Adder](https://nyserdera.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives/Community-Adder). If a project that has been awarded a Community Adder subsequently becomes eligible for Community Credit due to project attrition, the Community Adder award will be cancelled by NYSERDA.

The Community Adder will be paid according to the same payment schedule as the applicable MW Block base incentive. Nonresidential projects will receive the Community Adder as part of the single commercial operation payment.

- Behind-the-meter CDG projects that serve an on-site load are eligible for the Community Adder only if 60% or more of the total solar generation is allocated to mass market offtakers.
- The Community Adder incentive must be identified at time of application, with the exception of projects that are making a one-time metering type conversion to CDG.
- Contractors are required to ensure that a project receiving the Community Adder remains as a CDG solar project for at least 20 years. Contractors must submit proof that the project qualifies as a CDG solar project upon request.
- If a project is not CDG solar or is reconfigured so that it no longer qualifies as a CDG solar project, NYSERDA will require a return of the Community Adder incentive funding from the Contractor, calculated based on a pro-rata share of a 20-year term over which the project was not a CDG solar project.
- Contractors must promptly inform NYSERDA if a project receiving the Community Adder is subsequently allocated Community Credit or is reconfigured so that it no longer qualifies as a CDG solar project.

#### 1.4.8.9 Inclusive Community Solar Adder

The Inclusive Community Solar Adder (ICSA) is available for Community Distributed Generation (CDG) solar projects serving low-to-moderate income (LMI) subscribers, affordable housing, residents of disadvantaged communities (DACs) and select nonprofit and public facilities located within and serving DACs. For the purposes of the ICSA, DACs will be based on the final DAC criteria,<sup>4</sup> adopted by the Climate Justice Working Group on March 27, 2023.

The goal of the ICSA is to increase access to community solar and resulting electric bill savings for LMI and DAC households and to reduce operating costs for affordable housing and nonprofit entities serving DACs. Eligible projects may receive the ICSA in addition to any NY-Sun incentive or adders for which they are eligible, with the exception of the Multifamily Affordable Housing Incentive. Incentive availability is displayed on a live dashboard at [nyserda.ny.gov/icsa](https://nyserda.ny.gov/icsa).

#### Project Eligibility

To be eligible for the ICSA, projects must meet the following:

- Be metered as CDG
- Meet the requirements of the NY-Sun Commercial/Industrial or NY-Sun Nonresidential Program
- Be in “Approved” status
  - Projects that achieved commercial operation approval from the utility after June 7, 2022, but before October 12, 2023 are also eligible to apply for Round 2 of ICSA
- Dedicate no less than 40% of the project capacity (Wdc) to eligible subscribers, and dedicate no less than 50% of the ICSA portion of the project capacity (Wdc) to eligible residential subscribers. Refer to the *Eligible Subscribers* section below for further explanation

Projects located in the PSEG-Long Island territory are not eligible for the ICSA. Projects that were awarded the ICSA in Round 1 are prohibited from withdrawing their application(s) and resubmitting for Round 2 funding levels. Projects that applied for but were not awarded the ICSA in Round 1 are eligible to apply for Round 2. Projects will be required to cancel their ICSA award if they are selected and choose to enroll in the Expanded Solar for All Program.

#### DER Supplier Registration and UBP-DERS Compliance

The Primary Contractor, customer acquisition provider, and any subcontractors interacting directly with customers must register with the Department of Public Service (DPS) as a Distributed Energy Resource (DER) Supplier and comply with the Uniform Business Practices for DER Suppliers (UBP-DERS).<sup>5</sup> As part of the application review process, NYSERDA will confirm with DPS that team members are in good standing. If DPS has issued an Order to Show Cause against any member of the project team, NYSERDA may pause the project application review until a final determination from DPS is made in that case.

---

<sup>4</sup> New York State’s Climate Act Disadvantaged Communities Criteria webpage:  
<https://climate.ny.gov/resources/disadvantaged-communities-criteria/>

<sup>5</sup> <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/EAB5A735E908B9FE8525822F0050A299>

## Incentive Levels

The ICSA funding that a project may claim is determined by the capacity allocated to eligible subscribers, with different incentive rates for different types of projects. The adder rates and initial capacity blocks detailed in the table below apply only to the capacity allocated to eligible subscribers.

### Incentive Levels for Upstate CDG Projects

Project Type	Adder \$/Watt	Initial Adder Capacity Block (MW)
<ul style="list-style-type: none"> <li>Upstate CDG project</li> <li>Received MW Block and/or Community Adder</li> <li>Minimum guaranteed discount of 10%</li> <li>≥50% of ICSA capacity filled with Eligible Residential Subscribers</li> </ul>	\$0.10	860 MW
<ul style="list-style-type: none"> <li>Upstate CDG project</li> <li>Received Phase One NEM, the Market Transition Credit, or the Community Credit</li> <li>Minimum guaranteed discount of 10%</li> <li>≥50% of ICSA capacity filled with Eligible Residential Subscribers</li> </ul>	\$0.05	

### Upstate CDG Projects that qualify as Community Benefit Projects

(Capacity will be drawn from the total 860 MW block above.)

Project Type	Adder \$/Watt
<ul style="list-style-type: none"> <li>Upstate CDG project that received MW Block and/or Community Adder</li> <li>≥50% of ICSA capacity filled with Eligible Residential Subscribers</li> <li>Minimum guaranteed discount of 20% for providing 3 criteria, or 15% for providing all 5.</li> <li>Achieves all the requirements to qualify as a <i>Community Benefit Project</i></li> </ul>	\$0.20
<ul style="list-style-type: none"> <li>Upstate CDG project that received Phase One NEM, the Market Transition Credit, or the Community Credit</li> <li>≥50% of ICSA capacity filled with Eligible Residential Subscribers</li> <li>Minimum guaranteed discount of 20% for providing 3 criteria, or 15% for providing all 5.</li> <li>Achieves all the requirements to qualify as a <i>Community Benefit Project</i></li> </ul>	\$0.15

### Incentive Levels for ConEd CDG Projects

Project Type	Adder \$/Watt	Initial Adder Capacity Block (MW)
<ul style="list-style-type: none"> <li>Con Edison CDG Project</li> <li>Minimum guaranteed discount of 10%</li> <li>≥50% of ICSA capacity filled with Eligible Residential Subscribers</li> </ul>	\$0.20	100 MW

## ConEd CDG Projects that qualify as Community Benefit Projects

(Capacity will be drawn from the 100 MW block above.)

Project Type	Adder \$/Watt
<ul style="list-style-type: none"><li>• Con Edison CDG Project</li><li>• Minimum guaranteed discount of 20% for providing 3 criteria, or 15% for providing all 5.</li><li>• ≥50% of ICSA capacity filled with Eligible Residential Subscribers</li><li>• Achieves all the requirements to qualify as a <i>Community Benefit Project</i></li></ul>	\$0.30

### Incentive Requirements: Community Benefit Projects

Projects in the Upstate and ConEd regions can qualify as Community Benefit Projects, which are projects that provide a higher bill discount, incorporate measures that increase access to community solar, and demonstrate a greater commitment to the Eligible Subscribers and their surrounding communities as discussed below.

Community Benefit Projects can either provide a 20% bill discount to all eligible subscribers and meet at least 3 of the following criteria; or provide a 15% bill discount and meet all 5 of the following criteria.

1. Demonstrated close partnerships with community organizations and stakeholders from the DAC local to the project site **throughout** the project development process, including siting, construction, and customer outreach.
  - A close partnership must be demonstrated using the following:
    - A letter or email from community organizations within the DAC that verifies participation in the project development process and details at what level and how long they have been involved.
    - A memorandum of understanding between the project team and the community organization(s) from within the DAC outlining the activities that they are part of in the project development process.
  - **Note:** A project in which the partnership with a community organization is limited to conducting customer acquisition/outreach does not qualify for this criterion.
2. Workforce training and hiring commitments of Priority Populations or members of the surrounding DAC.
  - Projects can demonstrate commitment by participating in NYSERDA's [Program Opportunity Notice \(PON\) 3982: On the Job Training \(OJT\) Program](#). Projects must receive an acceptance of a Business Application and submission and acceptance of New Hire Applications from Priority Populations as defined by the PON.



3. Community based or participant ownership models.
  - The contractor must submit a written summary that outlines the following:
    - If and how the project will be owned by DAC stakeholders or a community organization that serves a DAC. Detail if it will be full ownership, majority stake, or another model.
    - Details on how the project profits, including how the profit will be collected, stored, and distributed.
    - Details on what the governance structure will be for the projects and its monetary and non-monetary benefits, including ownership, control, and voting rights for all parties.
4. Dedicated strategy to target individuals in DACs with Limited English Proficiency.
  - Projects must submit marketing materials, contracting materials and customer service protocol that demonstrate reasonable support for the targeted customer segment.
5. Sited within a DAC and serving eligible subscribers in the surrounding community.
  - All capacity must be dedicated to subscribers from the surrounding community, defined as
    - For ConEd Projects: within a 1-mile radius of the project site address
    - For Upstate Projects: the same or adjacent census tract[s] of the project site address
  - At least 60% of project capacity must be dedicated to eligible residential subscribers

### **Bill Discount**

Projects that receive an ICSA Award must provide at minimum a 10% bill credit discount rate. Community Benefit Projects must provide at minimum a 20% bill discount to all eligible subscribers if they meet 3 of the 5 project criteria; or at minimum a 15% bill discount and if they meet all 5 of the Community Benefit project criteria.

For customers billed through net crediting, the bill credit discount rate is the same as the net credit rate. For customers that receive a separate bill from the CDG provider or other party, the bill credit discount rate is calculated by starting with the value of the CDG bill credits distributed to the ICSA-eligible subscriber, subtracting all payments made by the customer, and then dividing that difference by the value of the CDG bill credits distributed to the ICSA-eligible subscriber. Customers may not be offered any additional products that could reduce the required bill credit discount rate, such as retail electricity (ESCO) supply without guaranteed savings, or a requirement to make additional payments.

### **Adjustments for projects receiving Bonus Investment Tax Credits**

Project owners are encouraged to apply for the federal Low-Income Communities Bonus Credits (Bonus Credits), established under sections 48(e) and 48E(h) of the Inflation Reduction Act of 2022, also known as the "Special Programs for Certain Facilities Placed in Service in Connection with Low-income Communities". The project owner must inform NYSERDA when the project receives an allocation of Bonus Credits. In the event that the associated project with an ICSA award receives an allocation of Bonus Credits under Category 4: Qualified Low-Income Economic Benefit Project, NYSERDA will not adjust the project's ICSA award level. However, the associated project must provide a 20% bill credit discount to all ICSA-eligible customers. Allocation of Bonus Credits in other categories will not trigger a change in the required ICSA bill credit discount rate. Submittal of an application for

Bonus Credits not resulting in a project receiving the additional Investment Tax Credits will not trigger an adjustment to the required ICSA bill credit discount rate.

### Eligible Subscribers

To be eligible for the ICSA, a project must allocate between 40% and 100% of its project capacity to eligible Residential and Affordable Housing/Nonresidential subscribers. At least 50% of the project's ICSA capacity must be comprised of Residential Customers.

For example: If a 1MW project plans to fill 60% (600 kW) of its project with ICSA-eligible subscribers, 50% of the ICSA capacity (i.e.,  $600\text{kW} \times .5 = 300\text{kW}$ ) must be filled with Eligible Residential Subscribers.

Any individual subscriber may only be used once to determine ICSA funding for a single project. The total ICSA funding that a project may claim is determined by the capacity allocated to eligible subscribers, as defined below.

### Residential Subscribers

Any residential electric utility customer, including homeowners, renters, and residents of multifamily buildings can be eligible if they meet the criteria below. Once a residential electric utility customer has been deemed eligible and allocated to a project, they will be considered eligible for the duration of the project, including if they choose to move within the utility service territory.

Eligibility for individual Residential Subscribers may be established by:

- **Categorical Eligibility:** Subscriber eligibility is demonstrated by documented participation in one of the assistance programs listed in the Table below.

EmPower New York Award Letter	dated within 12 months of the customer agreement signature
HEAP Award Letter	dated within 12 months of the customer agreement signature
HEAP or Energy Utility Assistance listed on the utility bill	Utility bill must be within the past 12 months of the customer agreement signature
SNAP Award Letter	dated within 12 months of the customer agreement signature
TANF Award Letter	dated within 12 months of the customer agreement signature
Supplemental Social Security Income Award Letter	dated within 12 months of the customer agreement signature

**Note:** Projects may use the NYSERDA Income Eligibility Application process to demonstrate eligibility for individual residential subscribers as an alternative to collecting and storing eligibility documentation. Review [https://nyserdera.seamlessdocs.com/f/Income\\_Eligibility](https://nyserdera.seamlessdocs.com/f/Income_Eligibility) for more details.

- **Geo-eligibility:** Residential subscriber eligibility is demonstrated with geo-eligibility by
  - residence in a Disadvantaged Community as defined by the Final Disadvantaged Communities Criteria (DAC criteria).
  - residence in an EmPower New York pre-screened area
    - The map which shows the pre-screened areas can be found at <https://www.nyserda.ny.gov/ny/ahp-empower/geo-eligible-income-tool>
- **Individual Household Eligibility:** Any residential subscriber is considered eligible if they have a documented household income under 80% of Area Median Income (AMI) or 80% of State Median Income (SMI), whichever is higher.
  - Individual household eligibility must be established by the customer by completing the NYSERDA Income Eligibility Application found at [https://nyserda.seamlessdocs.com/f/Income\\_Eligibility](https://nyserda.seamlessdocs.com/f/Income_Eligibility).

#### Nonresidential Subscribers

The following types of nonresidential utility accounts are considered eligible subscribers for the ICSA:

- **Nonprofit/public facilities serving DACs:** Accounts serving nonprofit organizations or public facilities that 1) meet the criteria of “small” subscribers per the CDG rules (non-demand account or demand account with an average peak monthly demand of less than 25 kW), and 2) are located within and serve a designated DAC. Subscribers must be deemed qualified by NYSERDA prior to the submission of an ICSA invoice by the project.
- **Public Schools:** Accounts serving existing public school buildings across New York State that are designated eligible for [PON 4924: P-12 Schools–Clean Green Schools Initiative](#) can be considered eligible non-residential subscribers for the ICSA.

#### Affordable Housing Property Participation

All affordable housing properties seeking to participate in ICSA projects must provide proof of their affordable housing status using one of the following documents. Properties must be deemed qualified by NYSERDA prior to the submission of an ICSA invoice by the project.

Eligibility Proxy	Details	Documentation Required
A. US HUD, USDA-RD, and other Federally Regulated LMI Housing	Properties that receive subsidies from HUD or USDA-RD based on household income may be defined as LMI, based on household income criteria detailed in the contract or award, including regulatory control or structures such as: Project-based Section 8 Sections 202, 236, 811 Public Housing Authorities	Copy of the HUD contract or contract award notice
B. NYS HCR-Regulated Affordable Housing	Properties with subsidized mortgages or contracts that place them under the regulatory control of HCR may be defined as LMI, based on household income criteria detailed in the HCR contract or award	Copy of HCR contract or contract award notice
C. Low Income Housing Tax Credits	Properties that receive tax credits may be defined as LMI based on household income criteria detailed in the tax credit award notice	Copy of tax credit award notice from HCR or HPD.
D. NYCHPD-Regulated LMI Housing (or similar local housing agencies)	Properties with loans, mortgages, or deeds of purchase (HDFC incorporation) from NYCHPD or similar local housing agencies may be defined as LMI, based on household income criteria detailed in the award documentation	Documentation of current mortgage, loan closing, HDFC incorporation, or deeds
E. SONYMA Mortgage Insurance	Properties subsidized for low- to moderate-income multi-family residents with SONYMA subsidized financing through the HFA	Copy of loan closing/mortgage insurance award documents

Any documentation submitted to provide proof of affordable housing status must also have the following information within the document:

- The specific addresses covered by the document.
- The income requirements for the building residents and the number of units covered by that income requirement.

The ICSA is intended for community solar projects located remotely from the eligible affordable housing property. Please see the *Multifamily Affordable Housing Incentive* section of this Program Manual for projects that are sited at eligible affordable housing properties (i.e., a solar project on the roof of a building that is regulated affordable housing).

- **Affordable Housing Residential Subscriber Eligibility:** All residents of a regulated affordable housing property can be deemed eligible if:
  - the property meets the building eligibility requirements listed above,
  - the residents have their own electric accounts and pay their own electricity bills,
  - residence is limited to LMI households (80% AMI or below), and
  - participation in CDG will not result in increased costs (e.g., rent or common charge increase) for the residential subscriber due to the utility allowance mechanism or other policies or practices.

- **Affordable Housing Nonresidential Subscriber Eligibility:** Nonresidential demand and non-demand accounts serving an eligible affordable housing property (i.e., building/common area meter) are considered eligible subscribers.
- **Master-Metered Affordable Housing Property Eligibility:**

Project capacity allocated to master-metered affordable housing property can be considered as eligible nonresidential capacity or as eligible residential capacity depending on which specific requirements are met.

- Nonresidential subscriber designation: Master metered affordable housing properties can be deemed eligible non-residential subscribers if they meet the *Affordable Housing Nonresidential Subscriber eligibility*. Master-metered affordable housing properties that are not distributing the community solar savings to their residential occupants or do not qualify for a distribution exemption will be considered non-residential subscribers.
- Residential subscriber designation: For master metered affordable housing properties to be considered a residential subscriber and be counted towards a project's required 50% residential capacity, the project must demonstrate that at minimum 50% of the value of the community solar savings is being distributed to the properties' residential occupants.

The properties are required to demonstrate to NYSERDA the community solar value distribution. The demonstration process depends on the properties' metering method.

- **For properties where residents are sub-metered:** specify how the required bill discount or its equivalent, will be provided to building residents who are considered eligible residential subscribers. The savings that each resident will receive must be equivalent to what they would receive had they signed up for community solar themselves. The total savings distributed to the residential occupants must be at minimum 50% of the value of the community solar savings/net credits from the community solar subscription on the master metered account.
  - **Demonstration of value distribution:** Distribution of value must be demonstrated with the following documentation.
    - At the time of milestone submission: an affidavit from the affordable housing property that details the total community solar savings, the total amount that will be distributed to the residents, and the mechanism that will be used to distribute the value.
    - If requested by NYSERDA, the building is required to demonstrate evidence of the savings being applied to accounts of the sub-metered building occupants.

- **For properties where residents are not sub-metered:** demonstrate how the project will direct part of the value of the community solar net credits to the residential occupants. The total savings that the ICSA-eligible residential occupants will receive must be at minimum 50% of the value of the community solar savings/net credits from the community solar subscription on the master metered account. The value of those credits must be distributed equitably, either equal shares among the qualified residential property's units, distributing proportional shares based on each unit's electricity usage, or using the savings for allowed activities listed in the U.S. Department of Housing and Urban Development (HUD) memo *Treatment of Solar Benefits in Master-metered Buildings*<sup>6</sup>. The value must be distributed in a manner that does not negatively impact the building residents' utility allowances and/or annual income for rent calculations.
  
- **Demonstration of value distribution:** Distribution of value must be demonstrated with the following documentation.
  - At the time of application: A Benefits Sharing Statement indicating the building's commitment to distribute no less than 50% of the value of the community solar savings/net credits to residents, estimating the total value that will be distributed to residents, and describing the HUD-compliant mechanism that will be used for distribution.
  - At the time of milestone submission: an affidavit from the affordable housing property that details how the Benefit Sharing Statement has been implemented, including the total community solar savings, the total amount that will be distributed to the residents, and the mechanism that will be used to distribute the value.
    - Allowed value distribution mechanisms include all those listed in the HUD guidance memo, except for "additional support staff," or anything listed that could negatively impact the building residents' utility allowances and/or annual income for rent calculations.
    - NYSERDA reserves the right to request asset management reports, receipts, or other accounting documentation that demonstrates how the actual community solar savings are being applied.
  
- **HDFCs and MHAs pass-through exemption:** Master-metered properties that are categorized as Housing Development Fund Corporation (HDFCs) and Mutual Housing Association (MHAs) cooperatives can apply for an exemption from demonstrating pass-through and still be considered eligible residential subscribers provided they can demonstrate the following.

---

<sup>6</sup> U.S. Department of Housing and Urban Development Treatment of Solar Benefits for Residents in Master-metered Buildings: [https://www.hud.gov/sites/dfiles/Housing/documents/MF\\_Memo\\_re\\_Community\\_Solar\\_Credits\\_in\\_MM\\_Buildings.pdf](https://www.hud.gov/sites/dfiles/Housing/documents/MF_Memo_re_Community_Solar_Credits_in_MM_Buildings.pdf)



- The cooperative has an HDLC regulatory agreement with NYC Housing and Preservation Development (HPD) or NYC Housing Development Corporation (HDC) demonstrating that all of their residents are low to moderate income as defined by the ICSA.
- They have an official document that demonstrates the building is cooperatively owned by all residents.

## Applying for the Inclusive Community Solar Adder

### Submitting a Project Application

Projects that are in the Commercial/Industrial or Nonresidential incentive program with a “Submitted” or “Received” status may prepare and submit an ICSA application through the NYSERDA Portal. The ICSA will not be approved prior to the approval of the associated NY-Sun project.

Visit [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources) for the ICSA Application Guide, which includes step-by-step instructions. An ICSA application may only be submitted by the NY-Sun Participating Contractor for the associated project, and the same Payee must be used for the ICSA as all the other NY-Sun incentives for the project. A Full Assignment or Payment Assignment of the associated NY-Sun project application will result in the same assignment of the ICSA application. Contractors that plan to sell their project are encouraged to notify NYSERDA early in the process to ensure an expedient assignment process.

### Submitting a Portfolio of Projects

Contractors must use the *Portfolio Submission* process (outlined below) if they plan to use the same acquisition provider, subscription manager, acquisition strategy and customer engagement protocol for multiple projects. With the *Portfolio Submission* process, a contractor first submits one complete application (known as the Primary Application) to be reviewed by NYSERDA. Once that application is reviewed and approved, the contractor will be allowed to submit other applications (known as Subsequent Applications) that use the same acquisition provider, subscription manager, acquisition strategy, and customer engagement protocol as the Primary Application.

- **Step 1:** Contractor submits the Primary Application in the NYSERDA Portal, including all the required Application Elements outlined in the table below.
- **Step 2:** NYSERDA will review the Primary Application and the required Application Elements and conduct a review call if needed.
- **Step 3:** NYSERDA will make a determination of approve, reject, or modify and notify the applicant.
  - Once the Primary Application is approved and awarded, the contractor can then submit Subsequent Application(s) and the required Application Elements.
- **Step 4:** NYSERDA will review the Subsequent Application(s) and the required Application Elements and conduct a review call if needed.

## **ICSA Application Elements**

An ICSA application must include the following. Applications missing these elements may be rejected outright:

	<b>Primary Application</b>	<b>Subsequent Application</b>
The application number of the associated NY-Sun project.	√	√
The actual <b>Community Distributed Generation Disclosure Form</b> for the project that a customer will be subject to.	√	√
The <b>actual residential subscriber contract</b> that a customer will be subject to. All residential subscription contracts for allocated capacity receiving the ICSA must meet the following requirements: <ul style="list-style-type: none"> <li>• Compliance with all terms of the UBP-DERs, and</li> <li>• Guaranteed savings (discount) rate of no less than 10%</li> <li>• For Community Benefit Projects: minimum guaranteed discount of 20% for providing 3 criteria, or 15% for providing all 5</li> </ul>	√	√
<b>For projects that achieve commercial operation after June 7, 2022 but before October 12, 2023:</b> the initial allocation report and the initial host summary report for the project(s).	√	√
<b>For projects that achieve commercial operation after June 7, 2022 but before October 12, 2023:</b> Letter confirming commercial operation from the utility.	√	√
An affidavit signed by the primary contractor and the subscription provider confirming they have entered into a contract for working together on the ICSA projects. The affidavit must clearly demonstrate the relationship between the primary contractor and the subscription provider, and the roles and responsibilities for each one of them for the ICSA Project. <ul style="list-style-type: none"> <li>• There cannot be multiple possible customer acquisition providers per application. One acquisition provider must be selected prior to application submission.</li> </ul>	√	√
A list of all the projects (including the NY-Sun application number, their site address, kW capacity, and utility) that will be submitted subsequently as part of the portfolio.	√	
<b>Marketing &amp; Implementation Plan.</b> Requirements are described below.	√	
<b>Example Marketing Materials</b> , including doorhangers, one-pagers, fact sheets, advertising, and screen captures of web advertising.	√	
<b>Customer experience demonstration:</b> A video screen-capture of the journey that a customer experiences as they sign up for the community solar product. NYSERDA may request a test log-in to experience the customer sign-up process if the video does not sufficiently capture the experience.	√	
<b>Subsequent Application Attestation</b>		√

### Marketing & Implementation Plan Requirements

Contractors must submit a Marketing & Implementation Plan and supporting documentation for each project seeking the ICSA. Use of the Marketing & Implementation Plan Form is required and available at [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources). Through the Marketing & Implementation Plan and supporting documentation, the Contractor must demonstrate that:

- The Contractor, or customer acquisition and customer management provider(s) to be used, has the appropriate experience and capability to fulfill the requirements of the ICSA.
  - A detailed listing of all the contractors and subcontractors supporting customer acquisition and customer management is required. Failure to provide this listing may result in automatic rejection of the application.
- The Contractor has the ability to achieve the targeted percentage of eligible subscribers identified in the project's ICSA application, demonstrated by a detailed marketing and sales strategy, sample materials, and/or existing executed subscription contracts, letters of intent (LOIs), or other supporting documentation.
- Customer acquisition strategies will be allowed to use door-to-door sales if the following criteria are met. This information must be described and shared at the time of the application.
  - Contractor is in good standing with DPS
  - The project's customer acquisition team has a system in place that will easily identify which of their contractors and/or sales associates are in the field at what time, so that it will be possible to determine responsibility in the event of a customer complaint
  - A signature is collected from the customer when the customer elects to sign up for the community solar project
    - A record of the customer signature from online or paper sign up must be stored for at least five years
  - If a customer signs up via door-to-door or over the phone, the project's customer acquisition team is required to call the customer after the interaction and get verbal confirmation from the customer of their interest in signing up for the community solar product. This phone call must happen after the customer signs up and before the customer is assigned to a project.
    - The recording of the post-signup confirmation call must be stored for at least five years.
  - Contractor must list all the subcontractors that are working on customer acquisition and customer management activities. Updates must be submitted to NYSERDA before a new subcontractor begins working on such activities.

Failure to adhere to any of the above requirements after a project receives an ICSA award may result in NYSERDA rescinding the award or rejecting invoice(s).

### Community Solar Product Requirements

- The actual residential subscriber contract and *Community Distributed Generation Disclosure Form* that a customer will be subject to must be shared with NYSERDA at time of application. Projects must also make accessible the actual *Community Distributed Generation Disclosure Form* associated with each project on their website for a customer to review prior to providing any personal information, including name and email address.
- NYSERDA reserves the right to publish the submitted *Community Distributed Generation Disclosure Form* on a central webpage listing all the community solar projects.

The customer acquisition strategy will not require minimum FICO scores for the portion of the project used to demonstrate eligibility for the ICSA. The Contractor can use an alternative option, such as utility bill payment history, to qualify ICSA-eligible subscribers.

### Additional Marketing and Implementation Plan requirements for Community Benefit Projects

Projects seeking to be considered Community Benefits Projects must provide additional community benefits beyond cost savings to subscribers and demonstrate they will be able to achieve the additional criteria required for this higher incentive. Information about what qualifies as additional community benefits can be found in the *Incentive Levels* sub-section of the *Inclusive Community Solar Adder* section in this Program Manual and in the Marketing and Implementation Plan Form.

### Project Application Review

Primary Applications will be reviewed in the order that they are received until all available funding is fully committed. Should NYSERDA have questions or concerns regarding the supporting materials, NYSERDA may request a review meeting to address as such regarding the supporting materials.

Completed Primary Applications without missing materials or incomplete information, will be processed for an award within 60 days of application submission.

Applications without an identified acquisition team and strategy may be rejected with no additional opportunity to cure the Applications. NYSERDA reserves the right to reject any application that is missing details or elements, at any point during the application review period and without conducting a review call. Applications that are rejected can reapply but will be queued with a new application date.

For the Subsequent Application: NYSERDA may reject subsequent applications even if the Primary Application is approved if the project team fails to prove that they can achieve the applied-for targets due to the size of the portfolio.

### Project Changes

The contractor must notify NYSERDA of one or more of the following changes that may occur after NYSERDA's approval of a Primary or Subsequent Application.

- Change in the acquisition provider.
- Change in the subscription manager.
- Changes to the terms of the customer subscription contract or the CDG Disclosure Form.

- Substantial outreach strategy changes from what was listed in the application. This includes the inclusion of tactics not outlined in the Marketing and Implementation Plan, and a significant change in messaging in the marketing materials.
- The Eligible Subscriber Target (EST) mix differs from what was listed in the application.

Project changes must be made through the *Request for Modification* process in the NYSERDA Portal as soon as they occur. Upon receipt of the Request for Modification, NYSERDA will assess if the project continues to be eligible for the ICSA incentive. Failure to make NYSERDA aware of the changes prior to the first invoice or subsequent invoice submissions may result in rejecting the invoice(s) or cancellation of the award.

NYSERDA reserves the right to require resubmission of Application Elements and may rescind the award if the changes fail to meet the requirements of the ICSA.

#### Round 1 ICSA Awardees Using Round 2 Eligible Subscriber Criteria

ICSA Round 1 Projects are permitted to use the Round 2 Eligible Subscriber Criteria (i.e., the Round 2 rules around qualifying residential, nonresidential, and affordable housing subscribers) provided they agree to the following additional terms for their Round 1 awards.

1. Compliance with the additional criteria required to perform door to door sales
2. Adherence to the requirements of long-term subscriber make-up
3. Adherence to any adjustments that Round 2 Projects are subject to if they receive Bonus Credits.

Round 1 Projects interested in opting into the Round 2 Eligible Subscriber Criteria will be required to submit an opt-in request for NYSERDA's consideration and approval prior to submitting their first invoice. The *Opt-In Request to Round 2 Subscriber Criteria* Form can be found at [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources).

## **1.5 Green Jobs-Green NY Financing**

### **1.5.1 Residential Customers**

A residential customer with an existing home of four units or less may be eligible to finance the purchase of their solar electric system through NYSERDA's Green Jobs–Green New York (GJGNY) loan program using either a Smart Energy Loan or On-Bill Recovery. Residential Members of CDG projects, or homeowners leasing the solar project or entering into a Power Purchase Agreement (PPA), are not eligible for GJGNY financing.

Residential customers may also utilize a Bridge Loan, allowing access to short-term financing to borrow a portion of the renewable energy system cost that may be eligible for a federal or state tax credit or a New York City Real Property Tax Abatement. The Bridge Loan has a balloon payment of principal and interest due at maturity. Borrowers can pair this loan with a Smart Energy or On-Bill Recovery Loan (total cannot exceed \$25,000).

To access the loans, a contractor must register with the GJGNY service provider. To register, visit [nyserdera.ny.gov/solar-contractor-resources](http://nyserdera.ny.gov/solar-contractor-resources) and complete and submit the loan servicer's contractor application packet. Contractors offering GJGNY financing are bound by the GJGNY participation agreement and the NYSERDA Residential Financing Program Manual.

Customers can apply online or download an application at [www.energyfinancesolutions.com](http://www.energyfinancesolutions.com).

### 1.5.2 Nonresidential and Not-for-Profit Customers

A nonresidential or not-for-profit customer may be eligible to finance the purchase of their solar electric system through NYSERDA's GJGNY loan program. A customer who wishes to finance their system will rely on the contractor to submit a request for financing to NYSERDA on their behalf. NYSERDA will review the request for financing and provide the customer with a letter approving or denying the eligibility of the system. If the system is approved as eligible by NYSERDA, the customer must submit the approval letter to a participating lender as part of their loan application. If the customer is approved for financing by the lender, the customer will receive the loan proceeds directly from the lender. Go to [nyserdera.ny.gov/small-commercial-financing](http://nyserdera.ny.gov/small-commercial-financing) for additional information on GJGNY financing for nonresidential and not-for-profit customers.

Contractors should email a completed application packet to: [efs@energyfinancesolutions.com](mailto:efs@energyfinancesolutions.com). Application packets can be found at [nyserdera.ny.gov/solar-contractor-resources](http://nyserdera.ny.gov/solar-contractor-resources). Notification of approval or request for additional information can be expected within five days.

Commercial members of CDG projects, or those leasing the solar project or entering into a Power Purchase Agreement (PPA), are not eligible for GJGNY financing.

## 1.6 Assignments

### 1.6.1 Residential Projects

Incentive payments will be made to the contractor only. Payment assignments and/or full assignments are not allowed for residential projects.

### 1.6.2 Nonresidential Projects

#### *1.6.2.1 Payment Assignments*

Nonresidential projects may request payments be made to another entity. The contractor or builder must identify the payee at the time of project application submission. Payment assignments, including any eligible incentive adders, will only be made to another entity in the amount of the entire incentive. Projects requiring a payment assignment after a project application has been submitted must cancel and submit a new application. The contractor or builder, customer, and payee must sign the project application agreeing to the payee assignment. All rights and responsibilities will remain with the contractor and builder.



Once the application has been submitted, the payee will receive a payee registration form via email. This form must be completed for the application to move forward. Payees will not have access to the portal.

#### *1.6.2.2 Full Assignments*

Full assignments are not allowed for nonresidential projects.

## 2 Applying for Incentives

Approved contractors or builders can submit project applications for incentives, monitor the status of applications, and perform other program-related activities via the NYSERDA Portal.

The project application will progress through each status shown below.

### Project Application Flow

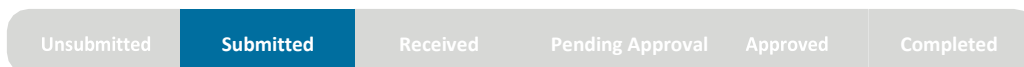


### 2.1 Unsubmitted Status



All project applications are generated in and submitted through the portal. Unsubmitted status is reached once a contractor or builder generates the application. The incentive rate is not confirmed until the application has been submitted.

### 2.2 Submitted Status



The project application moves to submitted status once the contractor or builder submits the application along with the required documents through the portal. Use the chart to determine which documents are required with each project application. Once the application is submitted, the current incentive rate (at that time) is locked in.

## 2.2.1 Document Details

### Project Documents to Reach Submitted Status

<b>Required for All Projects: Must Submit with Project Application</b>
Project application signed by customer and payee, if applicable
Site map (site plan)
Electrical drawing
Customer utility bill—only required for NYPA and municipality owned utilities
<b>Additional Items Required for Residential and Nonresidential Projects</b>
Shading report
Site Photos
<b>Additional Items Required for Nonresidential Projects</b>
If CESIR required: Final CESIR, proof of 25% interconnection upgrade payment
If no CESIR required: signed and executed interconnection agreement
Documentation of Interconnection Application submitted date (projects 1MW AC and larger only)
Coastal assessment
SEQRA and lead agency
<b>Additional Items Required for Projects Using Affordable Solar Residential Incentive</b>
Affordable Solar income eligibility letter
<b>Additional Items Required for Projects Using Multifamily Affordable Housing Incentive</b>
Documentation of eligibility
<b>Additional Items Required for Projects Using Brownfield/Landfill Incentive</b>
Brownfield/Landfill eligibility documentation

### Documents Not Required with Submission: Must be Available Upon Request

<b>Required for All Projects</b>
Customer agreement
Customer utility bill
Permits - <b>required with project invoice submission</b>
Environmental assessment - <b>for projects more than 4,000 square feet</b>
Clipboard energy efficiency assessment - <b>for residential projects only</b>
Nonresidential energy assessment - <b>for nonresidential projects only</b>
Construction photos of the completed installation

A detailed description of each document can be found on the following pages.

## 2.2.2 Required Documents That Must Be Submitted with Each Application

### ■ Project Application

The contractor or builder must submit all project applications electronically through the portal. Applications submitted to the residential and nonresidential program must list both a contractor and builder. The project application form must be signed by the customer, and if applicable, the payee.

Electronic signatures may be obtained through NYSERDA's DocuSign account, which is available in the portal. If a contractor prefers to use their own electronic signature account, the tool must be NYSERDA approved and a signature verification report must be provided. Approved electronic signature tools include DocuSign, CudaSign, EchoSign, Adobe, and Seamless Doc. **Under no circumstances is a contractor or builder permitted to sign on behalf of the customer.**

### ■ Site Map (Site Plan)

The site map must include:

- Location of all solar electric system components, including solar electric modules, inverters, paired electrical storage system (if applicable), disconnects, point of interconnection, and utility meter.
- Layout of solar electric array, showing the tilt, azimuth, and number of solar electric modules on each roof face or sub-array.
- Length of all wire runs more than 100 feet.
- Indication of which trees, if any, will be removed prior to system installation.
- For roof mounted projects, structural/mounting details stamped by a NYS licensed Professional Engineer (PE) or Registered Architect (RA). A stamped engineer's roof letter also meets this requirement.
- Customer name and address.
- If applicable, location and layout of all energy storage system components, including batteries, inverters/chargers, pumps, management system disconnects, point of interconnection, and utility meter.

### ■ Electrical Drawing

A legible electrical diagram is required, using standard symbols to clearly describe the solar electric system. Either a one- or three-line drawing is acceptable and must indicate:

- Quantity, conductor size, and insulation type of all energized (hot) conductors, neutral/grounded conductors, and ground conductors.
- Type and characteristics of all raceways, conduit, and enclosures.
- The configuration of solar electric array into electrical strings.
- The voltage and amperage ratings of all combiner boxes, overcurrent protection devices, switches, inverters, batteries, electrical panels, and other relevant equipment as applicable, including the rating of the main service panel and its main breaker.

- The quantity, manufacturer, and model of the inverter paired electrical storage system components (if applicable) and solar electric modules.
- The installed usable storage capacity in kilowatt hours measured in alternating current (AC) for the energy storage system, if applicable.
- Customer name and address.

Go to [nysderda.ny.gov/solar-contractor-resources](https://nysderda.ny.gov/solar-contractor-resources) for a sample wiring diagram and a list of common design issues.

#### ■ **Customer Utility Bill—required only for NYPA and municipal projects**

For projects taking electric service from NYPA or a municipal utility, a copy of the utility bill is required with application submission.

### 2.2.3 Required for Residential and Nonresidential Projects

#### ■ **Site Photos**

The contractor or builder must take photos of the array location, from both the ground and roof level, and photos taken looking south. The application must also include photos of the existing electrical service and the proposed location of the inverter. A single aerial photo does not meet this requirement. Go to [nysderda.ny.gov/solar-contractor-resources](https://nysderda.ny.gov/solar-contractor-resources) for a sample set of site photos.

- **Preexisting Conditions**  
Photos must document preexisting conditions that do not meet current codes and standards, including damaged items. As part of the work scope, the contractor or builder will repair or replace substandard conditions that are hazardous or impact the installation of the solar electric system.
  - When encountering structural deficiencies, all repairs or replacement will be done under the direction of a NYS licensed Professional Engineer (PE) or Registered Architect (RA).
  - Split bus panelboard and load centers, including fused and circuit breaker styles, by any manufacturer, will not be used, regardless of the type and location of the solar interconnection.
  - Panelboard and load centers manufactured with FPE Stab-Lock® circuit breakers or Bulldog/ITE pushmatic-style circuit breakers will not be used for supply side or load side connection.
  - Damaged or severely corroded panelboards, disconnects, or switchboards will not be used for supply side or load side connection.
  - Missing or undersized grounding electrodes, including the grounding electrode conductor (GEC) and water meter jumpers, must be replaced.
  - Existing roof damage in the area of the array must be repaired or replaced.
  - When installing a supply side disconnect, at a minimum, the overcurrent protection device must meet or exceed the available fault current (AIC Rating) at the existing main service.

## ■ **Shading Report and Estimate of Annual Output**

- **Shading Report**

The shading report must describe the percentage of the available solar resource the solar electric array will receive, accounting for losses from shading, array azimuth, and tilt. Residential and nonresidential projects with a total solar resource fraction (TSRF) below 70% will receive a reduced incentive, as described in System Losses under the System Technical Requirements section.

Projects submitted before July 3, 2019 may not cancel and reapply for purposes of obtaining a larger incentive. Change orders for these projects to obtain an additional incentive will not be processed.

Reports generated by Solmetric Suneye, Solar Pathfinder, Bright Harvest, Solar Census, Lightmile, HelioScope, Wiley ASSET, Aurora, Scanify, Solargraf, IMGING, OpenSolar and EverBright are acceptable.

In cases where trees or other obstructions must be removed, an incentive payment will not be made until a new shading report has been submitted to and approved by NYSERDA.

When the solar electric system consists of multiple arrays with different azimuths, tilts, or shading profiles, a shading report including each array and a weighted average overall TSRF must be indicated on the shading report.

- **Estimate of Annual Output**

The estimate of annual output will be calculated in the portal using NREL's PVWatts tool, based on information provided by the contractor or builder, including system size, location, and TSRF. A separate calculation of the solar electric system's expected annual production is not necessary.

This estimate will determine if the system offsets more than 110% of the customer's annual electric use and is required for residential projects only. The contractor or builder must use this figure when completing the GJGNY ProForma worksheet for financing, if applicable.

### 2.2.4 Required for Nonresidential Projects

#### ■ **Final CESIR—if CESIR is required**

The contractor must submit a copy of the final CESIR if the utility requires it. The following item must also be included for projects requiring a CESIR:

- **Proof of 25% interconnection upgrade payment**

The contractor must provide email confirmation from the utility that the 25% interconnection upgrade payment has been made.

- **Signed and executed interconnection agreement—if no CESIR required**

If the utility determines a CESIR is not required for the project, the contractor or builder must provide a copy of the signed and executed interconnection agreement.

- **Coastal Assessment**

The contractor or builder must provide a screen capture from the [New York State Department of State online GIS tool](#) showing if the project site location is or is not located in a New York State coastal boundary area and/ or local water front revitalization program zone.

- **SEQRA and lead agency**

For projects larger than 4,000 sq. ft, it is the contractor or builder's responsibility to initiate the SEQRA process, including filing of the SEQRA form (found on [dec.ny.gov](#)), at the local level and ensure a lead agent is identified. The contractor or builder will be required to submit the first half of the SEQRA Form to NYSERDA.

Some projects, such as systems installed on rooftops, brownfields, and landfills, may qualify as Type II actions (do not require further SEQR review). For these projects, the contractor must provide a statement indicating why it is a Type II action.

Projects located where the local Authority Having Jurisdiction (AHJ) has adopted a moratorium that prevents local approval of the project are not eligible to apply to the program while the moratorium is in effect. For projects where the local AHJ declines to be lead agent for roof mounted systems, NYSERDA shall issue an independent review.

## 2.2.5 Required Documents If Accessing Affordable Solar Residential Incentive

For residential projects applying for the additional Affordable Solar incentive, the following document must be submitted in the portal with the project application:

- Income eligibility letter (application available at [https://nyserda.seamlessdocs.com/f/Income\\_Eligibility](https://nyserda.seamlessdocs.com/f/Income_Eligibility))

## 2.2.6 Required Documents If Using Multifamily Affordable Housing Incentive

For projects applying for the additional incentive for Multifamily Affordable Housing Incentive, the contractor or builder must provide proof the site is located at an affordable housing property. Go to [nyserda.ny.gov/solar-contractor-resources](#) for list of acceptable eligibility documents.

## 2.2.7 Required Documents If Using Rooftop Canopy Incentive

For projects applying for the rooftop canopy additional incentive, the contractor or builder must include structure details on the site map.



When invoicing, the contractor or builder must provide construction photos of the total array and panel wattage and provide an as-built 3-line stamped by a New York State Professional Engineer (PE) or Registered Architect (RA).

## 2.2.8 Required Documents If Using Parking Canopy Incentive

For projects applying for the parking canopy additional incentive, the contractor or builder must include structure details on the site map.

When invoicing, the contractor or builder must provide construction photos of the total array and panel wattage and provide an as-built 3-line stamped by a New York State Professional Engineer (PE) or Registered Architect (RA).

## 2.2.9 Required Documents If Using Brownfield/Landfill Incentive

The brownfield/landfill added incentive must be identified and documentation establishing that the system is eligible as identified in 1.4.8.3 Brownfield/Landfill Solar Incentive, must be provided at time of application. Examples of eligibility documentation include a NYSDEC Brownfield Cleanup Agreement, a written approval from NYSDEC for the site allowing ground mounted solar electric systems, or a NYSDEC mining permit allowing ground mounted solar electric systems.

## 2.2.10 Required Documents If Using Floating Solar Incentive

The floating solar added incentive must be identified at time of application. For projects applying for the floating solar incentive, the contractor or builder must include structure details, inclusive of the floating structure and anchoring system, on the site map. Additional non-ministerial permit approvals should be uploaded as part of the proof of planning and zoning approvals.

## 2.2.11 Documents Not Required with Application: Must be Available Upon Request

The following additional documents must be on file with the contractor. They may be requested by NYSERDA, but do not need to be submitted with the project application to achieve submitted status.

### ■ Customer Agreement

The customer agreement is an important document outlining the direct relationship between the contractor and the customer. As a condition of participation in the program, contractors must abide by the terms and conditions in the participation agreement. The customer agreement may be in the form of a purchase agreement or a lease/power purchase agreement. This does not apply to CDG projects. All customer agreements must also meet the requirements of the Uniform Business Practices for Distributed Energy Resource Suppliers, available at <https://dps.ny.gov/distributed-energy-resource-der-regulation-and-oversight>.

**1. All customer agreements must be signed by both parties and include the following:**

- **Installation location:** town, street, and lot or building number.
- **Installation schedule:** realistic installation and interconnection schedule taking into account timeline requirements of NYSERDA and utility review requirements.
- **System description:** description of the solar electric system and if applicable, the storage system being purchased and an outline of system specifications, the make and model of major system components, identification and location of easy-to-read meter, references to UL listing, etc.
- **Estimate of annual energy output:** in kilowatt-hours and summarizing the results of the system loss analysis.
- **Energy Storage:** Estimate of the minimum number of hours a fully charge energy storage system could power and the circuits it could power, if applicable.
- **Applicable incentives:** customer agreement must reflect the entire amount of the anticipated NYSERDA incentive and incentives and warranties must pass to the customer.
- **Explanation and estimate of additional customer-incurred costs:** for development; installation; operations and maintenance; commissioning of the system(s) and a payment schedule, if applicable.
- **Assignment of responsibilities:** for scheduling or obtaining and paying for permits, inspections, or other regulatory requirements.
- **Addendum to customer agreement:** completed and signed by both the customer and the contractor.

Electronic signatures may be obtained through NYSERDA's DocuSign account, which is available in the portal. If a contractor prefers to use their own electronic signature account, the tool must be NYSERDA approved and include a signature verification report. Approved electronic signature tools include DocuSign, CudaSign, EchoSign, Adobe, and Seamless Doc. **Under no circumstances is a contractor or builder permitted to sign on behalf of the customer.**

**2. If the customer agreement is for the purchase of the system, the agreement must also include the following:**

- **Total system and itemized costs:** for example cost of modules; cost of inverters; cost of storage system, if any; balance of system (wires, racking, etc.); and labor and overhead (labor, permitting, etc.), roof replacement/repair, if any; service panel upgrades, if any; and any other significant project components.
- **System warranty** (see System Technical Requirements section).

**3. If the customer agreement consists of a lease or power purchase agreement (PPA), it must include all items listed under “A,” and the following:**

- **Total agreement cost and applicable incentives:** lease or PPA must reflect the entire amount of the approved NYSERDA incentive.
- **Production warranty** (see the System Technical Requirements section).
- **Other terms:** such as the party (customer or contractor) responsible for costs related to movement and reinstallation of the system or parts and the terms under which those actions will be taken, as well as any insurance coverage related to the system.
- Escalation rates or factor for a lease or PPA: clearly described.

■ **Utility Bill**

For project applications, a copy of the utility bill must be available upon request. For new construction residential projects, anticipated electric usage is required and detailed calculations must be submitted for review. For projects in NYPA or a municipal utility, a copy of the utility bill is required. Bills are not required for Community Solar Projects.

■ **Permits**

For residential and nonresidential projects, the contractor or builder must have applied for all necessary permits, approvals, and certificates, to the appropriate agencies or municipalities for construction of the solar electric project before submitting the application to the program. While submission of required permits is not necessary with the project application submission, the contractor or builder must produce all documents immediately upon NYSERDA’s request.

The building permit must be submitted with the final project invoice for all projects. Nonresidential projects must also include the electrical inspection certificate with final project invoice or commercial operation payment request.

All permits must clearly reference installation of the approved solar electric system, and storage system, if applicable, at the customer site. If permits are not needed for installation, a signed letter from the town code officer, or Authority Having Jurisdiction (AHJ) must be submitted stating no building permit is required.

■ **Energy Assessment**

• **Residential Clipboard Energy Efficiency Assessment**

For residential project applications, a clipboard energy efficiency assessment must be performed. A clipboard assessment consists of two components: an interview of the homeowners to determine energy-use habits and age of the home, and a home inspection to identify energy-saving opportunities. Certification an assessment has been completed must be indicated on the project application at time of submission.

The inspection component of the assessment should take no more than 60 minutes and includes:

- Assessment of the hard-wired lighting systems and free-standing light fixtures.
- Appliance ages and whether they are ENERGY STAR® certified.
- Presence of advanced power strips.
- Existence of “vampire loads” related to consumer electronics and battery chargers.
- Use of programmable thermostats or timers for air conditioners.
- Age and condition of the doors and windows.
- Details on recent energy efficiency upgrades, such as insulation.

After the assessment, the results will be reviewed with the homeowner. A copy of the report will be left with the homeowner along with a list of Home Performance contractors and informational brochures detailing NYSERDA’s energy efficiency programs.

Customers will not be required to implement energy efficiency upgrades as a prerequisite to participating in the program.

- **Nonresidential Energy Assessment**  
For all nonresidential projects, building owners are given information on benchmarking tools, such as ENERGY STAR’s portfolio manager benchmarking tool. If requested by the building owner, the contractor or builder will help input utility bill information in the tool to calculate an energy- use index and, where applicable, an ENERGY STAR score. Customers will not be required to benchmark or implement energy efficiency upgrades as a program prerequisite. Energy assessment completion must be indicated on the project application at time of submission.

Any CDG project is exempt from the energy assessment requirements.

#### ■ **Payee W9**

All payees should register their entity through the Portal. For projects eligible for payment assignments, the contractor or builder must provide a copy of the payee’s W9 upon request.

#### ■ **Construction Photos**

The contractor or builder is required to take construction photos for each project. NYSERDA may request construction photos for purposes of conducting a photo inspection at any time. See the Photo Inspection section for additional information.

Visit [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources) for a photo documentation sample, which contains a complete list of required photos.

## 2.3 Received Status



The project application moves to received status once it has been received by the program. At this time, the application will move into the queue for technical review.

### 2.3.1 Technical Review

Once the application has been received, the project may undergo a full technical review (design review) to confirm the project has been designed appropriately and meets all program rules. For a full description of all requirements, see the System Technical Requirements section.

If a project application has missing or inaccurate information or documents, the contractor or builder will be asked to provide the correct information in the portal.

## 2.4 Pending Approval Status



When the project passes technical review, the application will automatically move to pending approval status. In this status, the purchase order is finalized and funding for the application is reserved.

## 2.5 Approved Status



When the project application and system design have been officially approved by the program, the contractor, builder, customer, and payee will receive notification to move forward with the installation of the system. The contractor is responsible for providing the customer with a copy of the approval letter, if no customer email address has been provided.

### 2.5.1 Project Timelines

All residential and nonresidential projects have 365 days from the project approval date (the date project is marked approved in the portal) to complete the system installation and submit for final project invoice approval.

#### 2.5.1.1 CESIR Milestone Deliverable

For projects requiring a CESIR, the contractor or builder must submit a CESIR milestone via the portal no later than 170 calendar days from the date the utility confirmed payment of the 25% interconnection payment. The contractor or builder must provide an executed Interconnection Agreement and email confirmation from the utility that the remaining 75% interconnection payment has been made.

If a project has received an extension from the utility for the 75% interconnection payment date, the Contractor must notify NYSERDA by providing the written confirmation from the utility. The Contractor shall submit this documentation to [commercial.industrialpv@nyserda.ny.gov](mailto:commercial.industrialpv@nyserda.ny.gov) so that the portal can be updated to reflect the new date.

If a project is removed from the utility's interconnection queue, the project must also be cancelled in the MW Block program. If the project reapplies to the utility's interconnection queue, that project may reapply to the MW Block Program. Failure to request the project cancellation in the portal once project is removed from the Utility queue may result in the new application being moved to unsubmitted status. A new application can only be submitted after the original awarded project is cancelled within the portal.

Projects that do not meet the specified deadlines and have no extension on file will be in jeopardy of cancellation.

## 2.5.2 Actions in Approved Status

While in approved status, the contractor or builder may submit a project cancellation request, project extension request, project modification request, or project invoice request.

### 2.5.2.1 *Project Cancellation Requests*

Requests to cancel a project must be done through the portal by submitting a request for cancellation.

Should a project wish to move forward after cancellation, the contractor or builder must submit a new project application. In this case, the incentive level and all rules in effect at the time the new application is submitted will apply.

### 2.5.2.2 *Project Extension Requests*

To request an extension, the contractor or builder must submit a project extension request in the portal. Projects that exceed the completion deadline date will be in jeopardy of cancellation.

NYSERDA will approve extensions on a limited case-by-case basis. Project extensions will be granted for **legitimate and verifiable reasons which are beyond the control of the contractor, builder, or customer**. No other requests will be considered.

## Residential Project Extension Requests

Project extensions may only be granted once for each residential project. If approved, the extension will allow an extra 90 days to complete the project, bringing the total to 455 days.

## Nonresidential Project Extension Requests

Project extensions may be granted twice, in 180-day increments each, for nonresidential projects.

If applicable, the contractor or builder must submit proof that an application has been filed at New York State Education Department.

If approved, the first extension will allow an extra 180 days to complete the project, bringing the total to 545 days from the original project approval date. A second extension may bring the total to 725 days from the original project approval date.

### *2.5.2.3 Project Modification Requests*

A project modification request must state the original equipment quantity and catalog numbers, the proposed equipment quantity and catalog numbers, changes in cost, and any changes in the array configuration or wiring.

Customer signature is required for any project modification request that results in change in approved funding amounts. Electronic signatures may be obtained through NYSERDA's DocuSign account, which is available in the portal. If a contractor or builder prefers to use their own electronic signature account, the tool must be NYSERDA approved, and a signature verification report must be provided. Approved electronic signature tools include DocuSign, CudaSign, EchoSign, Adobe, and Seamless Doc. **Under no circumstances is a contractor or builder permitted to sign on behalf of the customer.**

The contractor, builder, customer, and payee if applicable, will receive email approval for project modification requests. The contractor is responsible for providing the customer with a copy of the project modification approval letter, if no customer email address has been provided. All other changes will be approved in the portal. Please check the portal before contacting NYSERDA regarding project modification approvals.

Any system modifications or equipment changes must be submitted in the portal as a project modification request and approved by NYSERDA before project invoice or commercial operation payment is submitted. Failure to submit a change modification may result in revocation of the incentive reservation or nonpayment of the incentive.

## Residential Project Modifications

Residential project modification requests resulting in a larger system size are eligible to receive an increased incentive. NYSERDA will review the request and calculate the new incentive or loan amount (if applicable).

Residential projects funded at a previously higher incentive level have the option of accepting the existing incentive award "as is" or recalculating the entire array at the current incentive level.



### Residential Solar Plus Energy Storage Project Modifications

Existing project applications for solar systems that have already been submitted to NYSERDA must cancel and reapply to add an energy storage system.

Residential Solar Plus Energy Storage projects that require an update to the storage equipment, must complete the Storage Project Modification form available at [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources), and submit to [PVProcessing@nyserdera.ny.gov](mailto:PVProcessing@nyserdera.ny.gov). Changes to the solar system will require a change modification request in the Portal.

### **Nonresidential Project Modifications**

Nonresidential project modification requests resulting in an increase to system size will not earn an additional incentive; however, projects that result in a smaller system size being built may result in a smaller incentive.

#### *2.5.2.4 Project Invoice Requests-Incentive Payments*

### **Residential Incentive Payments**

The contractor receives the total project incentive in one installment. To request the incentive payment, the project invoice must be submitted in the portal for approval.

Customer signature is only required on invoices for projects using GJGNY financing. Electronic signatures may be obtained through NYSERDA's DocuSign account, which is available in the portal. If a contractor prefers to use their own electronic signature account, the tool must be NYSERDA approved and include a signature verification report. Approved electronic signature tools include DocuSign, CudaSign, EchoSign, Adobe, and Seamless Doc. **Under no circumstances is a contractor or builder permitted to sign on behalf of the customer.**

**To receive the incentive payment, the project invoice must include:**

- Signed project invoice—for projects using GJGNY financing
- Utility interconnect permission to operate (PTO) letter
- Building permit

### Financing-Only Projects—Residential

The total GJGNY loan amount approved by NYSERDA will be paid on approval of the project invoice. Customer signature is required on project invoices for financing only projects. Once approved, NYSERDA's loan originator is notified to release the loan.

**To release the loan, the project invoice must include:**

- Signed project invoice
- Utility interconnect permission to operate (PTO) letter
- Building permit

## Nonresidential Incentive Payments

The contractor or payee receives the total project incentive in one installment. To request the incentive payment, the project invoice must be submitted in the portal for approval.

### To receive the incentive payment, the project invoice must include:

- Utility interconnect permission to operate (PTO) letter
- Building permit
- Electrical Inspection Certificate

### If greater than 1MW, the project invoice must also include:

- As-built 3-line stamped by a NYS licensed Professional Engineer (PE) that includes:
  - Quantity, conductor size, and insulation type of all energized (hot) conductors, neutral/grounded conductors, and ground conductors.
  - Type and characteristics of all raceways, conduit, and enclosures.
  - The configuration of solar electric array into electrical strings.
  - The voltage and amperage ratings of all combiner boxes, overcurrent protection devices, switches, inverters, batteries, electrical panels, and other relevant equipment as applicable. The rating of the main service panel and its main breaker.
  - The quantity, manufacturer, and model of the inverter and solar electric modules.
  - Energy storage system, if applicable.
  - Customer name and address.

## Inclusive Community Solar Adder: Payment Process, Funding Amount, and Subscriber Reporting

Projects must submit and have their milestone documentation approved prior to submitting invoices. Milestone deliverables are submitted through the NYSERDA Portal. In some cases, NYSERDA may set up a secure sharing site for sharing additional documentation. Milestone documentation cannot be shared over email.

Go to [nyserdera.ny.gov/solar-contractor-resources](https://nyserdera.ny.gov/solar-contractor-resources) to see the *ICSA Milestone Submission and Invoicing Guide* for step-by-step instructions.

### Milestone Deliverable Submission:

- Milestone 1: The below documents must be submitted for the first month of credits that are going to a customer.
  - ICSA Subscriber Submission Form (see below)
  - CDG Initial Allocation Form
  - Documentation of utility acceptance of Initial Allocation Form
  - Utility CDG Host Allocation Report for the initial allocation period

- Milestone 2: The below documents must be for the first month of the second year of operation (i.e., 13<sup>th</sup> month of operation)
  - ICSA Subscriber Submission Form
  - CDG Monthly Allocation Form for the first month of the second year of operation
  - Documentation of utility acceptance of the form
  - Utility CDG Host Allocation Report for the allocation period
- Milestone 3: The below documents must be for the first month of the third year of operation (i.e., 25<sup>th</sup> month of operation)
  - ICSA Subscriber Submission Form
  - CDG Monthly Allocation Form for the first month of the third year of operation
  - Documentation of utility acceptance of the form
  - Utility CDG Host Allocation Report for the allocation period

Contractors must use the *ICSA Subscriber Form* to submit a spreadsheet of all eligible subscribers, including name, address, utility account number, allocation, discount rate, preferred contact information, and method used by the Contractor to determine subscriber eligibility. The *ICSA Subscriber Form* can be found at [nyserdera.ny.gov/solar-contractor-resources](http://nyserdera.ny.gov/solar-contractor-resources).

Contractors may submit for NYSERDA review and pre-approval a draft *ICSA Subscriber Form* prior to invoicing in the NYSERDA Portal. The draft form may be submitted at any time, but NYSERDA will only review a draft form one (1) time for each invoice. Additional reviews may be provided at NYSERDA's discretion.

Projects that include affordable housing properties and their residents as eligible subscribers must also submit the documentation listed in the *Affordable Housing Property Participation* section at the time of milestone submission.

### Payment Process

Once the corresponding Milestone submission receives NYSERDA approval, project invoice requests for ICSA payments must be submitted through the NYSERDA Portal. Go to [nyserdera.ny.gov/solar-contractor-resources](http://nyserdera.ny.gov/solar-contractor-resources) to see the *ICSA Milestone Submission and Invoicing Guide* for step-by-step instructions. ICSA invoices must be submitted separately from the invoices for the associated NY-Sun project.

The ICSA is paid in three installments:

- **First Payment:** Upon project completion (defined as payment of the Commercial Operation invoice for the associated NY-Sun project by NYSERDA) and acceptance by NYSERDA of the required Milestone 1 documentation submitted by the Contractor, NYSERDA will calculate the First Payment using the following formula:

$$\text{First Payment} = \text{Actual capacity allocated to eligible subscribers (as documented in invoice)} * \text{incentive rate} * 50\%$$

- **Second Payment:** Upon the first anniversary of project completion and acceptance by NYSERDA of the required Milestone 2 documentation submitted by the Contractor, NYSERDA will calculate the Second Payment using the following formula:

*Second Payment = Actual capacity allocated to eligible subscribers (as documented in invoice) \* incentive rate \* 25%*

- **Third Payment:** Upon the second anniversary of project completion and acceptance by NYSERDA of the required Milestone 3 documentation submitted by the Contractor, NYSERDA will calculate the Third Payment using the following formula:

*Third Payment = Actual capacity allocated to eligible subscribers (as documented in invoice) \* incentive rate \* 25%*

ICSA awards will not be increased if the system size of the corresponding NY-Sun project increases after the ICSA application is submitted. No payment in any amount will be made on any invoice where the minimum allocation requirement for eligible residential subscribers is not met (no less than 50% allocated to eligible residential subscribers).

If the minimum requirements are not met at Commercial Operation, the ICSA award will be cancelled, and the Contractor will not be able to invoice for future payments for that project.

#### ICSA Funding Amount

Each approved ICSA application will be contracted at the percentage range of a 40-60% Eligible Subscriber Target (EST) of the associated NY-Sun project. The funding amount will be calculated based on the total Watt-dc capacity of the associated NY-Sun project and the ICSA rate for the applicable project type.

As an example, a 5 MW Upstate CDG project that has an approved ICSA application will receive a contracted funding amount as determined below:

*Example Calculation: 5,000,000 Wdc \* 60% \* \$.10/W = \$300,000*

#### Funding Adjustments for High Performance

Projects that allocate more than 60% of project capacity to eligible subscribers at the time of commercial operation are eligible for an increased ICSA award while the program funds remain available. Additional funds will be added to the project's contract at the ICSA rate for the applicable project type. If sufficient uncommitted program funds are not available at the time of commercial operation, no adjustment will be made.

- If a project demonstrates that eligible allocation greater than 60% but less than 80% has been achieved at commercial operation, NYSERDA will increase the project's overall award to the equivalent of an 80% EST.

- If a project demonstrates that eligible allocation greater than 80% has been achieved at commercial operation, NYSERDA will increase the project's overall award to the equivalent of a 100% EST.

Award increases for high performance will only be made at the commercial operation payment. Awards will not be adjusted at the second or third (anniversary) payments.

### Payment Scenario Examples

Payment of the contracted ICSA is based on actual allocation to eligible subscribers, as described above. Below are common example scenarios and how NYSERDA would handle them.

*Scenario A:* A project allocates 40% to 60% of the project capacity to eligible subscribers. 50% of those eligible subscribers are Eligible Residential Subscribers.

Contracted projects that are able to allocate between 40-60% of project capacity to eligible subscribers will be paid based on the actual allocation to eligible subscribers.

As an example, a 5 MW Upstate CDG project has an approved ICSA application with a total award of \$300,000 ( $5,000,000 \text{ Wdc} * 60\% * \$10/W$ ). At commercial operation, the project has allocated 45% of the project capacity to eligible subscribers, and 50% of those eligible subscribers are residential. For their first payment, they would receive:

$$\text{Scenario A First Payment: } 5,000,000 \text{ Wdc} * 45\% * \$10/W * 50\% = \$112,500$$

*Scenario B:* A project allocates more than 60% of the project capacity to eligible subscribers. 50% of those subscribers are eligible residential subscribers.

Contracted projects that are able to allocate more than 60% of project capacity to eligible subscribers are eligible to receive additional funds at the ICSA rate for the applicable project type for that additional capacity, pending fund availability. NYSERDA will also increase the project's overall award to the next higher band of EST; the project will then be eligible to get up to what that higher band is for the rest of the project. A project can only receive this award increase if they achieve the higher allocation at commercial operation.

As an example, a 5 MW Upstate CDG project that has an approved ICSA application and signs up 70% of the project with eligible subscribers can be compensated for the additional 10% capacity from the separate fund at the ICSA rate for the applicable project type.

*Scenario B First Payment:*

$$\text{Awarded amount: } 5,000,000 \text{ Wdc} * 60\% * \$10/W * 50\% = \$150,000$$

$$\text{Additional Capacity from High Performance Fund: } 5,000,000 \text{ Wdc} * 10\% * \$10/W * 50\% = \$25,000$$

$$\text{Total} = \$175,000$$

In this example, the project's EST will go from 40-60% to 60-80% because 70% of the project is filled with Eligible Subscribers. The award amount would be adjusted in the NYSERDA Portal and in the award letter.

*Original Award Amount:*

$$5,000,000 \text{ Wdc} * 60\% * \$ .10/W = \$300,000$$

*Updated Award Amount:*

$$5,000,000 \text{ Wdc} * 80\% * \$ .10/W = \$400,000$$

The High Performance fund will be limited and will be allocated on a first-come, first-serve basis at the time of the initial invoice submission. The additional capacity dollars cannot be reserved prior to the invoice submission.

*Scenario C:* A project allocates more than 60% of the project capacity to eligible subscribers. 50% of those subscribers are eligible residential subscribers. There is no more money in the High Performance Fund.

If a contracted project is able to allocate more than 60% of project capacity to eligible subscribers, but there are no funds remaining in the High Performance Fund, NYSERDA will pay the project based on the actual allocation to eligible subscribers, until the funds on the project award are exhausted.

As an example, a 5 MW Upstate CDG project that has an approved ICSA application and signs up 70% of the project with eligible subscribers. The project would be paid actual allocation to eligible subscribers until the funds on the project award are exhausted, as illustrated in the following table.

	<b>Payment 1</b>	<b>Payment 2</b>	<b>Payment 3</b>
<b>% of Eligible Subscribers</b>	70%	70%	70%
<b>Calculation</b>	5,000,000 Wdc * 70% * \$.10/W * 50%	5,000,000 Wdc * 70% * \$.10/W * 25%	\$300,000 - \$262,500
<b>Dollar Payout</b>	\$175,000	\$87,500	\$37,500

*Scenario D:* A project allocates more than 40% of project capacity to eligible subscribers. Less than 50% of those customers are Eligible Residential Subscribers.

If a project is unable to achieve a minimum residential subscriber portion of 50%, the ICSA payment will be recalculated and paid based on the residential portion achieved.

As an example, a 5 MW Upstate CDG project allocated 60% of the project capacity to eligible subscribers, but only 25% was allocated to eligible residential subscribers. The project would only be paid for 50% of the project capacity, which represents the 25% residential capacity, and 25% of the non-residential capacity.

*Example Calculation:  $5,000,000 \text{ Wdc} * 50\% * \$0.10/W = \$250,000$*

*Scenario E:* A project allocates less than 40% of project capacity to eligible subscribers; or less than 20% of project capacity to eligible residential subscribers.

If a project is unable to achieve the minimum eligible subscriber target of 40% it would be deemed ineligible for the ICSA and would not be paid.

#### Subscriber Eligibility Documentation and Reporting

Contractors must maintain subscriber eligibility documentation and provide that documentation to NYSERDA upon request. Documentation must be maintained in compliance with the NY-Sun Program Participation Agreement. NYSERDA will conduct periodic audits of eligible subscriber documentation on a sample of projects receiving the ICSA, and NYSERDA will periodically survey participating eligible subscribers for the purpose of program evaluation.

Contractors must track the project's retention of eligible subscribers for two additional years beyond the third invoice payment (i.e., through the first month of the fifth year of operation/49<sup>th</sup> month of operation); and must report retention information, documented by CDG Host Allocation Reports, to NYSERDA upon request.

#### Long-Term Subscriber Make-up

Contractors are required to ensure that a project receiving the ICSA maintains the same or greater percentage of ICSA-eligible customers as documented in the project's Milestone 3 submittals, and the same bill discount rate for those customers, for at least 25 years.

Contractors must submit documentation that the project still contains ICSA-eligible subscribers upon request within 45 days of a request from NYSERDA. This documentation must take the form of the milestone documentation required for invoicing (see above) for the most recent allocation cycle.

If NYSERDA determines that the same or greater percentage of subscribers and same bill discount was not maintained, the project will have 180 days to remedy and resubmit documentation. (If the discrepancy is less than 5%, the project will not be required to remedy). Projects that are unable to remedy will be required to return a portion of the ICSA funding paid by NYSERDA, calculated based on a pro-rata share of a 25-year term over which the project was not an ICSA-eligible project.

Projects that choose to reconfigure so that they no longer qualify for the ICSA will require a return of the ICSA incentive funding from Contractor or their successor, calculated based on a pro-rata share of a 25-year term over which the project was not an ICSA-eligible project.



If a project is reconfigured so that it no longer qualifies as an ICSA project and fails to notify NYSERDA, the project will be required to return their incentive funding using the calculation described above, and may subject the contractor to disciplinary action, which may include contractor probation, suspension, or termination from the NY-Sun program; suspension from submittal of new ICSA applications.

Misrepresentation of subscriber eligibility or any other submission of the application may result in the project and/or contractor being removed from the ICSA program and the NY-Sun program. If NYSERDA determines that a subscriber is not eligible, the contractor may not enforce any penalties on a subscriber, including but not limited to removal from the project.

## 2.6 Completed Status



The project has achieved completed status once the system has been installed and interconnected and NYSERDA approves the final payment or commercial operation.

## 3 System Technical Requirements

---

### 3.1 Solar Modules

All solar electric modules must be certified as meeting all applicable standards of the Institute of Electrical and Electronics Engineers (IEEE) and UL 1703 and detailed in the California Energy Commission (CEC) eligible list found in the portal. The manufacturer is responsible for accurate updates to the list.

### 3.2 Inverters

All inverters must be certified as meeting all applicable standards of IEEE and UL and approved by the IOU that the system will be interconnected to.

The CEC eligible list can be found in the portal. The manufacturer is responsible for accurate updates to the list.

### 3.3 Solar Production Monitoring Equipment

Each solar electric system must have the ability to record solar production in kilowatt-hours. The contractor has the option of providing this information from a hardwired solar electric production meter, online monitoring system, inverter display recorded production, or other approved method.

When a hardwired meter is provided, it will have the capability to display instantaneous AC power and cumulative total AC energy production. Such meters must have a minimum accuracy of 5% and a certificate of compliance from the manufacturer. Remanufactured utility-style meters are permitted if they are certified as calibrated to the applicable ANSI standards for electricity metering. The meters must include numerical digital displays, or analog (easy-read type) in watts or kilowatts for power and kilowatt-hours or megawatt-hours for energy.

The listed metering and data acquisition and monitoring equipment requirements are separate from the utility meters, which are used to determine customer credits on their bills. The utility meters should be coordinated with the local utility as part of the interconnection process.

### 3.4 System Losses

Project applications will indicate all potential output losses (actual kilowatt-hours generated after all equipment losses are applied) associated with shading, system orientation, tilt angle, etc., and must be analyzed and detailed by the contractor or builder for each system. Solar electric systems shaded by trees or installed on a flat roof will have less than optimal outputs. All impacts on system output must be quantified and considered during the review of the project application submitted by the contractor

or builder. The incentive level for a project will be reduced in proportion to output losses when losses from factors, such as shading and orientation, exceed 30% of ideal kilowatt-hour output, as illustrated in this table (incentive will continue to be proportionately reduced for losses greater than 40%).

Shading and Orientation Loss	0 - 30%	31%	32%	33%	34%	35%	36%	37%	38%	39%	40%
Incentive Level	100%	69%	68%	67%	66%	65%	64%	63%	62%	61%	60%

Combined losses from tilt, azimuth, and shading must be shown on the shading report as a Total Solar Resources Fraction (TSRF) figure.

### 3.5 Grid Connection

To be eligible for incentives, all solar electric and energy storage systems must be grid-connected, end-use applications. End-use means the system is connected on the customer's side of the electric meter, and electricity generated offsets the customer's electricity purchases in accordance with current net metering laws and utility guidelines. Projects may benefit from remote crediting of multiple utility accounts or be structured as a Community Distributed Generation (CDG) project.

### 3.6 Approved System Design

Solar electric and energy storage systems must be installed in accordance with the design and system components submitted in the application and approved by NYSERDA. However, NYSERDA's approval of the project application does not guarantee the system design, engineering, construction and/or installation of the solar electric system is proper or in compliance with any particular laws (including patent laws), regulations, codes, or industry standards.

Solar electric and energy storage systems not installed according to the NYSERDA-approved design must have a project modification submission on file. The project modification must be approved before the incentive payment or commercial payment is made. Upon inspection, if it is determined the system is not installed as approved, the contractor may not be eligible for future incentive payments.

### 3.7 Interconnection

The contractor or builder is required to ensure all approved solar electric and energy storage systems have an appropriate interconnection agreement that meets New York State standard interconnection requirements. They must also ensure all approved systems are installed in compliance with that interconnection agreement.

### 3.8 Other Electrical Components

All other electrical components of each solar electric system including, but not limited to, charge controllers, energy storage, wiring, and metering equipment must be new equipment and certified as meeting the requirements of all relevant national, New York State, local codes and standards, and any additional requirements of the local Authority Having Jurisdiction (AHJ).

### 3.9 Structural Requirements

For roof mounted projects, the Contractor is required to provide structural/mounting details stamped by a NYS licensed Professional Engineer (PE) or Registered Architect (RA) professional engineer (PE) or registered architect (RA) as required by New York State law. A stamped engineer's roof letter also meets this requirement.

### 3.10 Compliance with Laws and Codes

All approved solar electric systems, system components, including storage components and installations must comply with all manufacturers' installation requirements, applicable laws, regulations, codes, licensing, and permit requirements. This includes, but is not limited to, applicable requirements of the NYSDEC or USEPA; the New York State Environmental Quality Review (SEQR); the New York State Uniform Codes; the National Electric Code (NEC); New York State's Standard Interconnection Requirements; and all applicable State, city, town, local ordinances or permit requirements, and any additional requirements of the local Authority Having Jurisdiction (AHJ).

Information on New York City fire codes and the NYC Fire Code Section 504 .4 can be found at:

- Fire Code-Section FC504: <https://www1.nyc.gov/site/fdny/codes/fire-code/fire-code.page>
- Application for a Variance to Fire Code FC504: <https://www1.nyc.gov/site/fdny/business/all-certifications/modification-variances.page>
- All approved solar electric systems, system components, including storage components and installations must comply with all manufacturers' installation requirements, applicable laws, regulations, codes, licensing, and permit requirements. This includes, but is not limited to, applicable requirements of the NYSDEC or USEPA; the New York State Environmental Quality Review (SEQR); the New York State Uniform Codes; the National Electric Code (NEC); New York State's Standard Interconnection Requirements; and all applicable State, city, town, local ordinances or permit requirements, and any additional requirements of the local Authority Having Jurisdiction (AHJ).

### 3.11 Rapid Shutdown Requirements

Compliance with rapid shutdown as outlined in Article 690 of the NEC currently adopted by New York State is required.

### **3.12 System Warranty for Purchase Agreements**

The contractor must provide the purchaser of the solar electric system with a full five-year transferable warranty. The warranty must cover all components of the generating system and energy storage system, if applicable against breakdown or degradation in electrical output of more than 10% from the original rated electrical output. The warranty will cover the full costs, including labor, repair, and replacement of defective components or systems. The contractor is responsible for providing warranty coverage in a timely manner regardless of the level of support from the equipment manufacturer. Requests for warranty services must be responded to within 72 hours and repairs completed within 30 days. The contractor must also provide the customer with information on any additional or extended warranties that may be applicable.

### **3.13 Production Warranty for PPA/Leases**

The contractor will offer a production guarantee to the customer for the initial term of the agreement (at minimum). This will provide the customer with compensation if the system produces less than the guaranteed output as specified in the lease or PPA agreement. Guaranteed output may not allow cumulative degradation in electrical output of more than 1% per year from the original rated electrical output for the initial term of this agreement. Under no circumstance will customers be responsible for any labor and repair or replacement costs of defective components or systems over the initial term of the agreement. Should the customer sell the property at which this solar facility is located, the production guarantee is fully transferable to a new lessee, consistent with the terms of the lease or PPA agreement.

## 4 Quality Assurance and Compliance

---

NYSERDA maintains the integrity of its program through an independent Standards and Quality Assurance team, which manages the Quality Assurance (QA) system for the program.

**The Quality Assurance Policies and Procedures Manuals provide details on the QA system and is available at [nyserderda.ny.gov/solar-contractor-resources](https://nyserderda.ny.gov/solar-contractor-resources).**

The QA program has several components, including a review of qualifications and credentials, paperwork audits, establishment of program standards, and comprehensive field and photo inspections. QA photo and field inspections include verification of the contracted scope of work, accuracy of the site analysis, comparison of installation to submitted design drawings, National Electric Code, International Building Codes with New York State Uniform Code Supplement compliance, and the overall delivered quality of the solar electric installation and if applicable, of the energy storage system. The NYSERDA Standards and Quality Assurance team, or its representatives, may make a reasonable number of visits to the customer site before, during, and after installation of a solar electric system to assess overall compliance.

### 4.1 Inspection of Completed Projects

NYSERDA selects specific completed projects for QA inspections following a rational sampling protocol. The protocol utilizes a strategic sampling of completed projects with rates primarily based on the contractor's and builder's current program status and recent photo and field inspection scores.

The purpose of the QA inspection is to provide NYSERDA with an opportunity to evaluate the accuracy of the site analysis and design paperwork and verify the system was installed according to all program requirements. The QA inspection also includes selected health, safety, and performance items, and specific compliance items per applicable code.

NYSERDA may select any completed project at any point in the future for a photo or field inspection based on customer complaints, warranty-related issues, a review of the work done by the contractor or builder under status review or program disciplinary action, or for circumstances that relate to public safety or otherwise deemed by NYSERDA. At any time, Contractors will be responsible to make available documentation concerning fire or safety incident, including Root Cause Analysis, upon NYSERDA's request. All contractors and builders are encouraged to perform in-house quality control of their projects.

## 4.2 Participation Status

### 4.2.1 Provisional Status

Contractors and builders in provisional status meet entry level program requirements for credentials and experience but have not met the minimum QA requirements as described to move to full status.

Project applications submitted by contractors or builders in provisional status will receive both an initial review and technical review; and completed installations will be subject to increased QA oversight. The guidelines of the provisional status are as follows:

- Provisional contractors or builders will be listed on NYSERDA's website and may be denoted as such.
- Provisional contractors may not submit more than 15 project applications total, until three completed projects have received a passing QA inspection (photo or field).
- Following the completion of the third project and the related QA inspections, NYSERDA will conduct a formal review to evaluate a change in status. Evaluation for a change to full status will be based on the quality and consistency of all submitted work that is fully compliant and meets credentialing requirements.

### 4.2.2 Full Status

Contractors and builders who have met all program requirements for credentialing, experience, and installation quality will be placed in full status. Existing contractors and builders who have previously demonstrated consistent quality through the program will be placed in full status. The guidelines of the full status are as follows:

- Full contractors and builders will be listed on NYSERDA's website and may be denoted as such.
- Full contractors and builders must meet program standards for timely responses to NYSERDA communications and QA field inspection and corrective action requests.
- Full builders are required to have an appropriately credentialed individual on staff (the Builder Qualifications section). Failure to satisfy this requirement and present appropriate documentation will result in an automatic change to probation status.

### 4.2.3 Probation Status

Probation status is reserved for contractors and builders that have failed to meet the requirements of the program. Probation is prescriptive in nature, in that NYSERDA defines specific results to be achieved in a designated timeframe. During probation, a contractor or builder can still submit project applications, but is restricted from signing a relationship agreement with another participating contractor or builder.



**A contractor or builder may be placed in probation status for any of the following reasons:**

- Violation of program rules or ethical standards.
- Failure to consistently deliver completed projects that pass the QA field or photo inspection standard.
- Failure to take effective corrective actions on a critical or major deficiency or a repeated incidental or minor deficiency in work quality or performance.
- Corrective action requests that have not been responded to or remain unresolved for more than 30 days.
- A lapse in required credentials.

**The probation period will not be less than 30 days. While in probation status, the contractor or builder:**

- Will remain on the NYSERDA website.
- May continue to submit new project applications, subject to restrictions based on the reason for the probation status.
- Will be subject to higher QA inspection levels as outlined in the program manual.
- Must remediate all issues related to probation, as directed by NYSERDA.
- Must submit, in writing, an agreed-upon action plan designed to ensure future violations are avoided.
- Must demonstrate successful results through a specified number of completed projects.

Upon satisfactory completion of the action plan and all remediation and review of probation period QA results, NYSERDA will determine whether to return the contractor or builder to full status, continue the probation period, or move to suspended or terminated status.

#### 4.2.4 Suspended Status

Contractors and builders who have failed to adequately respond to terms of the probation status action plan, or who have committed serious violations of program rules, will be placed in suspended status.

**A contractor or builder may be suspended if they:**

- Fail to adequately fulfill the terms of the probation action plan.
- Are placed on probation for a second time in 12 months.
- Are under investigation for or have been determined to have engaged in practices that have put the public or program at risk, including violations of the UBP-DERs and/or other consumer protection regulations or statutes, and regardless of whether such practices were associated with projects receiving NY-Sun incentives.
- Have one or more projects not completed by the deadline and no project extension is on file.
- Have outstanding and unresolved requests for return of incentive to NYSERDA due to failure to meet program requirements.
- Fail to provide backup documents when requested.
- Have submitted documentation with falsification of any required items, including but not limited to, permits, approvals, and customer signatures.

- Have a lapse in required credentials while on probation status.
- Fail to consistently deliver completed projects that pass the QA field or photo inspection standard.

**While in suspended status, the contractor or builder:**

- Will be removed from the NYSERDA website.
- Will not be allowed to submit new project applications to the program.
- Must complete any work that is in progress when the partner is placed in suspended status.
- May not represent themselves as a participating contractor or builder, except in the execution of remedial action.
- May be directed by NYSERDA to remediate issues related to the suspension.
- May be required to submit, in writing, an agreed-upon action plan designed to ensure future violations are avoided.

A contractor may not submit project applications using a builder in suspended status. Likewise, a builder may not submit project applications or install for a contractor in suspended status.

Suspended contractors and builders will either progress to probation or full status upon satisfactory completion of the specified remedial activities and resolution of issues related to the suspension or will be terminated from program participation. Nothing in this status relieves the contractor or builder of the responsibility to fulfill any outstanding obligations to the program or program customers as directed by NYSERDA.

#### 4.2.5 Terminated Status

Contractors and builders who have failed to respond to prescriptive action plans and disciplinary measures, or who have committed serious violations of the program rules may be terminated.

**A contractor or builder may be terminated from the program if they:**

- Have had a suspended status for more than 30 days and have been unresponsive or failed to adequately fulfill the terms of their suspension action plan.
- Have had their credentials lapse while suspended.
- Submit falsified documents or unauthorized signatures to the program.
- Commit illegal actions while participating in the program.
- Are convicted or have a principal who is convicted of a criminal charge that casts the program in a negative light or calls their integrity or workmanship into question.
- Are in gross violation of program installation standards.
- Repeatedly invoice for uninstalled projects.
- Fail to meet the terms of the provisional period.

A contractor will not be allowed to submit project applications using a builder in terminated status. Likewise, a builder will not be allowed to submit project applications or install for a contractor in terminated status. Neither can represent themselves as a participating contractor or builder except in the execution of remedial action.

Contractors and builders in terminated status are prohibited from participation in this or other NYSERDA programs. Customers with incomplete projects will be notified of the termination and may be offered such remedies as NYSERDA deems appropriate. NYSERDA may notify the New York State Attorney General, the New York State Department of Labor, the Better Business Bureau, or others, of the decision to terminate the contractor or builder from the program. Further, the officers and owners of the terminated contractor or builder are prohibited from being or becoming officers or owners of any other program partner. Nothing in this process relieves the contractor or builder of the responsibility to fulfill any remaining obligation to the program or its customers.

#### 4.2.6 Inactive Status

Contractors and builders may be declared inactive if they have not had an approved project in the program over a 24-month period of time. They will be removed from the website, no longer receive email notifications, nor be eligible for incentives or financing options. Should they wish to participate in the future, they may reapply under the rules in place at that time.

#### 4.2.7 Status Review Process

NYSERDA continually reviews all contractor's and builder's performance in the program to determine if a change in status is necessary.

**NYSERDA administers change in program status in the following ways:**

- Request a meeting with the contractor or builder.
- Issue a notice of program violation or compliance resulting in contractor or builder status change.
- Reserves the right to take immediate action on program violation when warranted.
- Contractor or builder has 5 business days to dispute the program violation notification.



NY-Sun, a dynamic public-private partnership, will drive growth in the solar industry and make solar technology more affordable for all New Yorkers. NY-Sun brings together and expands existing programs administered by the New York State Energy Research and Development Authority (NYSERDA), Long Island Power Authority (LIPA), PSEG Long Island, and the New York Power Authority (NYPA), to ensure a coordinated, well-supported solar energy expansion plan and a transition to a sustainable, self-sufficient solar industry.

NYSERDA, a public benefit corporation, offers objective information and analysis, innovative programs, technical expertise, and support to help New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels. NYSERDA professionals work to protect the environment and create clean-energy jobs. NYSERDA has been developing partnerships to advance innovative energy solutions in New York State since 1975.

To learn more about NYSERDA's programs and funding opportunities, visit [nyserda.ny.gov](http://nyserda.ny.gov) or follow us on Twitter, Facebook, YouTube, or Instagram.



**NYSERDA**

**New York State  
Energy Research and  
Development Authority**

17 Columbia Circle  
Albany, NY 12203-6399

**toll free:** 866-NYSERDA  
**local:** 518-862-1090  
**fax:** 518-862-1091

[info@nyserda.ny.gov](mailto:info@nyserda.ny.gov)  
[nyserda.ny.gov](http://nyserda.ny.gov)