

Accelerated Renewable Energy Growth and Community Benefit Act

For Local Governments



ACCELERATES
clean energy
development

ENSURES
benefits for host
communities

STRENGTHENS
New York's
green economy

call:
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**cleanenergyhelp@
nyserda.ny.gov**

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Responsible and cost-effective siting of large-scale renewable energy and transmission projects

New York State has enacted the Accelerated Renewable Energy Growth and Community Benefit Act (the Act), landmark legislation aimed at improving the siting and construction of large-scale renewable energy projects in an environmentally responsible and cost-effective manner. The Act creates an Office of Renewable Energy Siting (ORES), within the Department of State, establishing a central forum to ensure siting decisions are predictable, responsible, and timely, while providing opportunities for local engagement.

Effective March 3, 2021, ORES established comprehensive regulations and uniform permit terms and conditions for large-scale renewable energy projects, working with involved State Agencies to consider potential environmental impacts and necessary mitigation efforts. Prior to the adoption of uniform permit terms and conditions, ORES conducted public hearings, providing a formal opportunity for local governments and stakeholders to offer input.

New Siting Process

Applicability and Timeline

- New large-scale renewable energy projects equal to or larger than 25 megawatts (MW) will be required to seek a permit through ORES.
- New renewable energy projects between 20–25 MW, as well as existing projects in the initial phases of the Article 10 review process, may opt-in to this new review process.
- If deemed complete, applications for a permit through ORES will be acted upon within one year; projects proposed on certain previously developed commercial and industrial sites will be acted upon within six months.
- If ORES does not make a determination within the required timeframe, the draft permit will be deemed approved and a permit granted.

Opportunities for Local Input

Communities and local governments will have opportunities to provide valuable input throughout the new ORES review process:

- No application will be deemed complete without proof of consultation with the host community regarding procedural and substantive requirements of applicable local laws.
- Municipalities will be notified upon the publishing of an application's draft permit conditions and shall provide feedback on the draft permit conditions and the proposed facility's compliance with local laws within the subsequent 60-day public comment period. ORES is required to consider any applicable local law when making a determination.
- If host community statements raise any substantive and significant issues that require adjudication, ORES may establish a date for an adjudicatory hearing. If substantive or significant issues are raised and ORES does not hold an adjudicatory hearing, a public hearing will be scheduled in the host community.

NYSERDA offers a variety of resources, including model zoning legislation, to support communities with responsibly siting clean energy projects. NYSERDA may update these resources, as necessary, to ensure alignment with any new standards.

Community and Local Government Benefits

- As part of a host community benefit program developed through a Public Service Commission proceeding ([Case# 20-E-0249](#)), residents of communities hosting new large-scale renewable energy projects greater than 25MW will receive a credit on their utility bills for the first 10 years the facility is operating. Solar and wind project developers will be required to pay an annual fee of \$500/MW and \$1,000/MW of nameplate capacity, respectively, and the credit will be evenly distributed among residential utility customers in each host municipality, regardless of project proximity. The credit will be in addition to other negotiated benefits, such as HCAs or PILOT agreements. Projects that received NYSERDA REC agreements prior to April 3, 2020 will not provide utility bill credits.
- Local government agencies and community intervenors will have access to funds (\$1,000/MW), administered by NYSERDA and distributed pursuant to regulations and at the direction of the Executive Director of ORES, to ensure effective participation in the permitting process.
- As a condition for approval, permits will include a provision requiring host community benefits.

Build-Ready Program

- The Act authorizes NYSERDA's Clean Energy Resources Development and Incentives Program to rapidly advance new "Build-Ready" projects and prioritize the development of existing or abandoned commercial sites, brownfields, landfills, and otherwise underutilized sites.
- NYSERDA will engage landowners and local authorities on permitting and pre-construction development activities, in order to transfer build-ready sites to developers selected pursuant to a publicly noticed, competitive procurement.
- As part of this effort, NYSERDA will establish mechanisms through which property owners and communities would receive incentives for hosting major renewable energy facilities, such as property owner agreements, host community benefits, or payment in lieu of taxes agreements.
- NYSERDA will assess the need for—and availability of—workforce training in host communities to support green jobs development, with special attention given to environmental justice communities, and will establish one or more programs subject to available funding.

Power Grid Study and Investment Program

- The Act creates a State Power Grid Study and Investment Program to identify investments in distribution and local and bulk transmission necessary to meet the State's requirements under the Climate Leadership and Community Protection Act.
- The Act authorizes an expedited permitting process for transmission projects that are planned for existing rights-of-way.

Access NYSERDA resources.

Local governments can request free technical assistance or explore NYSERDA's solar, wind, and energy storage guidebooks by visiting nyserda.ny.gov/siting or emailing cleanenergyhelp@nyserda.ny.gov.

