



LEGISLATIVE PRIORITIES FOR 2024

February 5, 2024

The Alliance for Clean Energy NY (ACE NY) supports legislation that enhances market opportunities for large-scale, grid-connected renewables; for smaller-scale distributed renewable energy; for energy efficiency; and the electrification of transportation. ACE NY opposes bills that would unduly or unfairly restrict clean energy development in New York State. Our legislative priorities are a subset of our overall 2024 goals, which include issues before state agencies, such as the PSC, NYSERDA, and the DEC, and issues before the NYISO.

ACE NY supports or opposes numerous other bills relevant to clean energy throughout the legislative session; you can see these memos on the [Legislative Actions](#) section of our [website](#).

RENEWABLE ENERGY PRIORITIES - SUPPORT

ACE NY supports [S.7442 \(Parker\)](#), the Omnibus Renewable Energy Progress Act (REPA), a bill to address barriers to renewable electricity facility development and construction in New York.

Part A: Requires state operations to use 100% renewable electricity by 2030, codifying Executive Order 22 and ensuring that future Governors do not reverse this directive. This will create a market opportunity for the development of wind and solar projects and applies to Long Island Power Authority (LIPA) and the New York Power Authority (NYPA).

Part B: Exempts renewable energy project tax payments paid via a Payments in Lieu of Taxes (PILOT) agreement from municipal tax cap calculations, because this will allow a community hosting a wind and solar project to realize the additional tax revenue without needing to raise its tax cap by holding a town referendum.

Part C: Requires the Office of Renewable Energy Siting (ORES) to develop a procedure to process the financial security or letter of credit it requires or required by localities in their permit. This would reduce the burden on the municipalities and create a uniform procedure for the holding and processing of the fiscal security for decommissioning renewable energy projects.

Part D: Requires the study of options and recommendations on the reuse and recycling of solar panels and creates a tax credit for solar panel recyclers to locate in the State, creating jobs and providing nearby recycling options. Municipal laws on end-of-life management should be preempted so requirements do not vary town-to-town.

Part E: Directs the New York Power Authority (NYPA) to propose priority transmission projects to solve grid congestion in New York, as the lack of sufficient transmission capacity limits the capacity for the interconnection of renewable energy projects, creating a barrier to project construction and widescale grid decarbonization.

Part F: Requires the Department of Environmental Conservation (DEC) to use an existing fund to accept mitigation payments from renewable energy developers, to help streamline this process and move projects to construction.

Part G: Excludes “alternative energy production facilities” from sections 68, 69, and 70 of the Public Service Law, alleviating unnecessary permitting delays. These three sections require permits for transferring ownership, for submissions of financial data, and issuance of stocks or bonds, which was sensible when utilities owned power plants, but no longer makes sense.

Part H: Permits other entities other than state troopers to escort large wind turbine materials classified as “superloads,” expands the hauling days, and shortens state agency processes. Many turbines will need to be transported to construction sites and this ensures that a possible lack of trooper availability will not slow down the construction process. This proposal has been introduced as a stand alone bill, [S.373 \(Parker\)](#) / [A.751 \(Hunter\)](#).

Part I: Clarifies that if land hosting a solar project otherwise meets the eligibility requirements for an agricultural property tax exemption (have 7+ acres of land, gross sales of agricultural products average over \$10,000 for the preceding 2 years), then it still should receive that exemption. This will encourage farmers to maintain farm operations even after deciding to host solar and will encourage the co-location of agricultural and solar, referred to as agrivoltaics.

Part J: Updates the climate law’s 2030 goals to 10 GW of distributed solar and 6 GW of energy storage and adds 2030 targets of 8.5 GW of utility scale solar and 5.5 GW of land-based wind. These numerical goals are based on modeling in the Climate Scoping Plan, and fall within the ranges modelled for several renewable energy generation scenarios. This specificity will build market confidence and help ensure that New York achieves 70% renewable electricity by 2030.

Part K: Includes a state sales tax exemption for the retail sale and installation of residential and commercial energy storage equipment, consistent with the exemption for solar energy systems. This will encourage the adoption of battery storage, helping transition the grid, build resiliency, and prepare for the deployment of more wind and solar projects. This proposal has been introduced as a stand alone bill, [S.4547 \(Parker\)](#) / [A.4954 \(Paulin\)](#).

Part L: Makes the existing state income tax credit for solar energy equipment refundable, which will assist low-to-moderate income residents and those living in disadvantaged communities. This will make up-front system installation more affordable and allow more residents to experience the net savings in energy costs over the long term.

Part M: Requires that where feasible, all new buildings should be built to accommodate the installation of a solar energy system on their roofs, in addition to being energy efficient. Solar installation on new construction rather than existing buildings is significantly cheaper.

RENEWABLE ENERGY PRIORITIES - OPPOSE

ACE NY opposes bills that would unduly restrict renewable energy development, discourage investment in project development in New York, or create unnecessary or unreasonable requirements on renewable energy development.

Remove Agricultural Assessment for Dual-Use Renewables: S.1058 (Hinchey) / A.2299 (Lupardo): This bill, by amending the agriculture and markets law, would require dual-use solar projects under 10 megawatts (MW) to get approval from the Department of Agriculture and Markets (DAM) to receive an agricultural assessment. This bill would inhibit dual-use agrivoltaics projects rather than encourage them.

Utility Ownership of Renewable Generation - S.737 (Parker): This legislation would allow utilities to own and operate large-scale renewable electricity generation projects. New York should maintain its current policy of having utilities focus on transmission and distribution and be prohibited from owning power-generation facilities.

Creating Uniform Standards & Conditions for Renewable Energy Facilities: S.1793 (Hinchey) / A.3117 (Lupardo): This legislation addresses uniform standards and conditions relating to major renewable energy facilities and the permitting process. It is redundant to, and in some cases in conflict with, the uniform standards already developed by New York's Office of Renewable Energy Siting (ORES).

CLEAN TRANSPORTATION PRIORITIES - SUPPORT

The transportation sector is the second largest source of greenhouse gas emissions in New York and is also a source of pollution that causes a significant health threat from particulate emissions and smog. The solution is to deploy more public transit and electric cars, trucks, and buses.

Allow Direct Sales of Electric Vehicles – S.7767 (Harckham): This bill would require DMV to allow non-franchised sellers of new electric vehicles (EVs) to open additional sale locations if the sale of EVs from franchised dealers is lagging and it's found that NYS is not meeting sales EV targets. Now, companies that manufacture only EVs cannot sell them directly to New Yorkers at new retail locations. New Yorkers need to be able to purchase the electric vehicle of their choice and have access to all the auto manufacturers, not just those with existing dealerships. New York's final Climate Action Scoping Plan includes the expansion of DMV retail certificate program beyond the current cap (five) on sellers.

Establish A Clean Fuel Standard – S.1292 (Parker) / A.964 (Woerner): This bill would establish a carbon intensity standard for all transportation fuels. Entities must meet the standard by producing or purchasing low carbon fuels or credits, encouraging the gradual transition away from gasoline to EVs. New York's Final Climate Action Scoping Plan includes a similar measure.

Exempt Electric Vehicles From Sales Tax – S.5455 (Jackson) / A.3159 (Fahy): This bill would provide a state sales tax exemption on the first \$35,000 of battery, electric, or plug-in hybrid EVs

purchase, and authorizes local governments to elect to do the same. This bill will help to reduce the upfront cost of purchasing or leasing an EV, a critical barrier to EV adoption.

ENERGY EFFICIENCY PRIORITIES - SUPPORT

Sales Tax Exemption for Heat Pumps: Heat pumps are the key to our transition to efficient building electric heating. They offer homeowners and landlords an efficient all-in-one heating and cooling system and are two to three times more efficient than fossil fuel or electric-resistance heating systems.⁴ The Final Climate Action Scoping Plan⁵ calls for significant increase in heat pump adoption and a massive scale-up of financial incentives for heat pumps. The state currently provides a sales tax exemption on the installation of residential and commercial solar energy systems and fuel cells, and this measure would extend this to heat pumps.

OFFSHORE WIND PRIORITIES - SUPPORT

Promoting next-generation offshore wind targets - S.6327-A (Kavanagh) / A.7497 (Barrett): New York is well on the path to contracting for offshore wind (OSW) resources consistent with the legislatively mandated target of 9 GW by 2035. But OSW must play an ever-increasing role if the state is to remain on track to decarbonizing the grid by 2040 and attain economy-wide carbon neutrality by 2050. ACE NY supports this legislation which will extend and expand these targets – ramping up to 16-18 GW by 2040; and at least 20 GW by 2050.

CLIMATE PLAN PRIORITIES - SUPPORT

The adopted Climate Scoping Plan contains the actions that New York State must take to implement the Climate Leadership and Community Protection Act and meet its climate goals. ACE NY supports all actions to implement individual parts of the Plan and supports the State allocating funds to implement the Plan, either through a Cap-and-Invest policy, a General Fund appropriation, or both. The Climate Action Plan will not be implemented without funding sources.