

The Local Role in State Climate Goals

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Model Solar Energy Local Law Instructions

1. The sole siting authority for solar projects under 25 MW resides at the local level rather than the state level. One purpose of this Model Solar Energy Local Law (Model Law) is to inform and facilitate local efforts to expand solar energy generation in a sustainable way. This Model Solar Energy Local Law regulates the installation, operation, maintenance, and decommissioning of solar energy systems. The Model Law is intended to be an “all-inclusive” ordinance to allow for a thorough review of all aspects of solar energy systems under typical zoning and land use regulations, including the State Environmental Quality Review Act. Municipalities are encouraged to review this Model Law, examine their local laws and regulations and the types, size range and number of solar energy projects proposed, and adopt a local law addressing the aspects of solar energy development that make the most sense for each municipality, deleting, modifying, or adding other provisions as appropriate.
2. In some cases, there may be multiple approaches to regulate a certain aspect of solar energy systems. The word “OR” has been placed in the text of the model law to indicate these options. Municipalities should choose the option that works best for their communities. The content provided in brackets and highlighted is optional. Depending on local circumstances, a municipality may want to include this content or choose to adopt a different standard.
3. This Model Law is not intended for adoption exactly as it is written. It is intended to be advisory only, and users should not rely upon it as legal advice. A municipality is not required to adopt this Model Law. Municipal officials are urged to seek legal advice from their attorneys before enacting a solar energy law. Municipalities must carefully consider how this language may be modified to suit local conditions, their comprehensive plan, and existing land use and zoning provisions.
4. Prior to drafting a local solar energy law, municipalities can assess the potential of the local electric distribution system to interconnect significant amounts of solar generating capacity. New York utilities have made several tools available, such as Hosting Capacity maps, to help customers and developers conduct initial assessments.
 - A. The “Hosting Capacity” is the utility’s estimate of the amount of new distributed generation (DG) resources that may be interconnected at a particular part of the distribution system without adversely impacting power quality or reliability under current configurations and without requiring expensive infrastructure upgrades.
 - B. Users should understand that the Hosting Capacity maps are not intended as a guarantee that a specific project can interconnect. A number of factors that Hosting Capacity maps cannot fully account for drive up the cost of interconnecting DG to the electric system, and actual interconnection requirements and costs will be determined following the respective utility’s study of individual interconnection applications. However, the maps provide

an assessment of the relative feasibility of pursuing projects on different parts of the utility's system and thus help define areas of higher and lower potential for development. Questions regarding Hosting Capacity maps can be directed to solarhelp@nyseda.ny.gov.

- C. If the electrical system within a municipality appears to have development potential, municipalities should review and, if necessary, amend their comprehensive plans to address solar energy development within the community and adopt policies to carry this goal forward.
5. Municipalities may consider taking action on the comprehensive plan update at the same time it considers adoption of local laws and/or regulations for solar energy projects. Suggestions on how municipalities can develop and adopt solar friendly policies and plans that provide protection for the municipality are listed below:
- A. Adopt a resolution or policy statement, or the mayor can issue an executive order or proclamation to outline a strategy for municipal-wide solar development.
 - B. Appoint a Solar Energy Task Force ("Task Force") that represents all interested stakeholders, including residents, businesses, interested non-profit organizations, the solar industry, utilities, and relevant municipal officials and staff to prepare an action plan, amend the comprehensive plan to include solar energy planning goals and actions, and develop local laws and/or regulations to ensure the orderly development of solar energy projects.
 - C. Charge the Task Force with conducting meetings on a communitywide basis to involve all key stakeholders, gather all available ideas, identify divergent groups and views, and secure support from the entire community. The Task Force also should conduct studies and should determine whether existing policies, plans, and land use regulations require amendments to remove barriers to and facilitate solar energy development goals.
 - D. Establish a training program for local staff and land use boards. Municipalities are encouraged to utilize State and Federal technical assistance and grants for training programs when available.
 - E. Partner with adjacent communities and/or county agencies to adopt compatible policies, plan components, and zoning provisions.

Model Solar Energy Local Law

1. Authority

This Solar Energy Local Law is adopted pursuant to [Select one: sections 261-263 of the Town Law / sections 7-700 through 7-704 of the Village Law / sections 19 and 20 of the City Law and section 20 of the Municipal Home Rule Law] of the State of New York, which authorize the [Village/Town/City] to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the [Village/Town/City] law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of [Village/Town/City] by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- 2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 3) To increase employment and business development in the [Village/Town/City], to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
- 4) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;
- 5) To create synergy between solar and [other stated goals of the community pursuant to its Comprehensive Plan], [such as urban/downtown revitalization, vacant land management, creating a walkable, healthy community, etc.].

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state

wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to [25] kW AC and that generate no more than [110] % of the electricity consumed on the site over the previous [12] months.

OR

Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with a total surface area of all solar panels on the lot of up to [4,000] square feet and that generate up to [110] % of the electricity consumed on the site over the previous [12] months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

4. Applicability

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in [Village/Town/City] after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than [5] % of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and the [Village/Town/City] Code.

5. General Requirements

A. A Building permit shall be required for installation of all Solar Energy Systems.

B. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of permits and approvals by the [Reviewing Board] shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

A. Roof-Mounted Solar Energy Systems

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of [8] inches between the roof surface the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than [24] inches above the flat surface of the roof, whichever is higher.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s).
- 3) Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations in Appendix 3.

OR

All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

A. Glare: All Solar Panels shall have anti-reflective coating(s).

B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.

C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.

OR

Tier 2 Solar Energy Systems shall comply with the height limitations in Appendix 3.

D. Screening and Visibility.

- 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
- 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a [special use permit] within the [XXXXXXXXXXXXXXXX, XXXXXXXXXXXX, XXXXXXXXXXXX] zoning districts, and subject to site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by the [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] for completeness. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) subject to a public hearing to hear all comments for and against the application. The [Reviewing Board] of the [Village/Town/City] shall have a notice printed in a newspaper of general circulation in the [Village/Town/City] at least [5] days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the [Reviewing Board] at the public hearing.

- 3) referred to the [County Planning Department] pursuant to General Municipal Law § 239-m if required.
- 4) upon closing of the public hearing, the [Reviewing Board] shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the [Reviewing Board] and applicant.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than [8] square feet.
- 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s).

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Tree-cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

H. Decommissioning.

- 1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of [1] year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the [Village/Town/City] as set forth in Section 10(b) herein.
- 2) A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the Solar Energy System.

- b. The time required to decommission and remove the Solar Energy System any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the [Village/Town/City] Clerk of cash, bond, or other form of security reasonably acceptable to the [Village/Town/City] attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be [125] % of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of [2] % annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the [Village/Town/City], which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

I. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be

installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 10) Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

J. Special Use Permit Standards.

1) Lot size

- a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.

OR

The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1.

2) Setbacks

- a. The Tier 3 Solar Energy Systems shall comply with the setback requirements of the underlying zoning district for principal structures.

OR

The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.

3) Height

- a. The Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

OR

- b. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3 depending on the underlying zoning district.

4) Lot coverage

- a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - I. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - II. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - III. Paved access roads servicing the Solar Energy System.
- b. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.

5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a [7-foot-high] fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

6) Screening and Visibility.

- a. Solar Energy Systems smaller than [10] acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
- b. Solar Energy Systems larger than [10] acres shall be required to:
 - I. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, [shall/may] be required to be submitted by the applicant.

- II. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
 - i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of [1] evergreen tree, at least [6] feet high at time of planning, plus [2] supplemental shrubs at the reasonable discretion of the [Village/Town/city] [Reviewing Board], all planted within each [10] linear feet of the Solar Energy System. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species should be provided by the [Village/Town/city].

OR

The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the [Village/Town/County].

7) Agricultural Resources. For projects located on agricultural lands:

- 1) Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.

OR

Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the entire lot.

AND/OR

Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed [20] % of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.

- 2) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- 3) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within [30] days of the ownership change.

9. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the [Village/Town/City] and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of [18] months, provided that a building permit is issued for construction [or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Reviewing Board], within [18] months after approval, the applicant or the

[Village/Town/City] may extend the time to complete construction for [180] days. If the owner and/or operator fails to perform substantial construction after [24] months, the approvals shall expire.

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for [12] months, the [Village/Town/City] may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within [360] days of notification.

C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the [Village/Town/City] may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of [Village/Town/City].

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

APPENDIX 1: LOT SIZE REQUIREMENTS

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Lot Size Requirements

Zoning District	Tier 3 Solar Energy Systems
Residential Low Density	≥ 2 acres
Residential High Density	--
Commercial / Business	≥ 5 acres
Light Industrial	N/A
Heavy Industrial	N/A
Agricultural / Residential	≥ 5 acres

Key:

--: Not Allowed

N/A: Not Applicable

APPENDIX 2: PARCEL LINE SETBACKS

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

Table 2: Parcel Line Setback Requirements

Zoning District	Tier 3 Ground-Mounted		
	Front	Side	Rear
Residential Low Density	100'	100'	100'
Residential High Density	--	--	--
Commercial / Business	30'	15'	25'
Light Industrial	30'	15'	25'
Heavy Industrial	30'	15'	25'
Agricultural / Residential	30'	15'	25'

Key:

--: Not Allowed

APPENDIX 3: HEIGHT REQUIREMENTS

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Table 3: Height Requirements

	Tier 1 Roof-Mounted	Tier 2	Tier 3
Zoning District			
Residential Low Density	2' above roof	10'	15'
Residential High Density	2' above roof	10'	--
Commercial / Business	4' above roof	15'	20'
Light Industrial	4' above roof	15'	20'
Heavy Industrial	4' above roof	15'	20'
Agricultural / Residential	2' above roof	15'	20'

Key:

--: Not Allowed

APPENDIX 4: EXAMPLE DECOMMISSIONING PLAN

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by [Town/Village/City], [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

- 1. The land lease, if any, ends
- 2. The system does not produce power for [12] months
- 3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

- 1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
- 2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
- 3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within [12] months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

New York State Energy Research and Development Authority (NYSERDA)

Clean Energy Communities Program

Guidance Document

Program Opportunity Notice (PON) 3298

Revised February 1, 2018

APPLICATION DUE DATES

Clean Energy Communities Program: NYSERDA will accept applications for PON 3298 on a rolling basis until 3:00p.m. Eastern Time on September 30, 2019, until funds are exhausted, or until the solicitation is revised by NYSERDA, whichever comes first.



TABLE OF CONTENTS

INTRODUCTION3

PROGRAM REQUIREMENTS3

 Eligible Applicants3

 Funding Levels3

 Application Process4

STEP 1: BECOME A CLEAN ENERGY COMMUNITY6

 Complete Four of Ten High-Impact Actions6

 Benchmarking7

 Clean Energy Upgrades8

 LED Street Lights9

 Clean Fleets10

 Solarize11

 Unified Solar Permit12

 Energy Code Enforcement Training13

 Climate Smart Communities Certification14

 Community Choice Aggregation15

 Energize NY Finance16

STEP 2: ACCESS GRANT FUNDING17

 Eligible Project Types17

 Ineligible Project Types17

 Proposal Requirements17

 Selection Criteria18

 Project Benefits Metrics Report18

GENERAL CONDITIONS19

INTRODUCTION

NYSERDA's Clean Energy Communities program is an opportunity for local governments to earn recognition and grant funding by demonstrating leadership in the area of clean energy. NYSERDA has identified ten high-impact actions that local governments can take to save money, create jobs, and improve the environment. High-impact actions include tracking of energy use in municipal buildings, training for improved energy code enforcement, and policies to support solar energy, among others. By completing four of the ten high-impact actions, the applying jurisdiction may earn the Clean Energy Community designation in addition to a grant of between \$50,000 and \$250,000 with no local cost share, to support additional clean energy projects. To earn the Clean Energy Community designation, at least two (2) of the high-impact actions must be completed after August 1, 2016. Funding is set aside to provide grants to 18 communities in each of New York State's Regional Economic Development Council (REDC) regions except for the New York City region where only New York City is eligible for a grant.

To help municipal staff prioritize and implement the high-impact actions and navigate the program, expert guidance is provided by dedicated and knowledgeable, local Clean Energy Communities Coordinators, at no cost to the local government. To access this support, please send an email to cec@nyserdera.ny.gov.

High-Impact Action Toolkits, including step-by-step guidance, important forms, template legislation, and case studies, are available at www.nyserdera.ny.gov/cec.

The state-wide Clean Energy Communities Program is funded through the Regional Greenhouse Gas Initiative (RGGI) and the Clean Energy Fund (CEF).

PROGRAM REQUIREMENTS

Eligible Applicants

Municipalities (county, city, town, village, or Native American tribes and nations located within NYS) in New York State are eligible to apply for funds. Municipalities may form partnerships and submit a joint proposal, but one entity must be identified as the lead applicant on behalf of the group or consortium. A single municipality, or a group or consortium of municipalities, may choose to designate a non-municipal entity (private, non-profit, etc.) to be the lead applicant, but the lead applicant must provide letters of support from each municipality involved in the project. The lead applicant, if successful, will have a contractual obligation to NYSERDA and will act as the main point of contact for NYSERDA for all project-related matters. Municipalities who have previously received funding through Cleaner, Greener Communities PON 3106 Category 2 Flexible Funding Pilots are not eligible for funding under this solicitation. However, these municipalities are encouraged to apply for the Clean Energy Community designation.

Funding Levels

In each of New York State's Regional Economic Development Council (REDC) Regions, funding levels are as follows:

Municipality Size by Population	Block 1 Awards Number of Awards in each Region and Amount		Block 2 Awards Number of Awards in each Region and Amount		Block 3 Awards 100 Awards Total - No more than 25 Awards in each Region \$5,000
Large (40,000+)	2	\$250,000	2	\$150,000	
Small/Medium (0-39,999)	4	\$100,000	10	\$50,000	

Communities in Nassau and Suffolk Counties: PSEG Long Island is supporting grant awards for local governments in Nassau and Suffolk Counties except municipal utility communities (Village of Freeport, Village of Rockville Centre, and Village of Greenport) which NYSERDA will support.

Communities in Albany, Rensselaer, Columbia and Greene Counties: \$837,150 of additional grant funds are available through Lafarge Mitigation Funds for local governments in Albany, Rensselaer, Columbia and Greene Counties. This additional funding is made available through the settlement of a lawsuit by the State of New York against Lafarge North America, Inc.

- Up to \$30,000 in additional grant funds are available to each local government in these counties that has been designated a Clean Energy Community on a first-come first-serve basis until such funds are exhausted.
- Eligible projects to receive additional grant funds shall include those projects that meet the criteria of the Clean Energy Communities Program and that pertain to energy efficiency and/or air pollution reduction.
- Local governments in Albany, Rensselaer, Columbia and Greene Counties are eligible for the Block 3 grants described below as well as the \$30,000 Lafarge awards.

Block 3 Awards: \$500,000 of additional grant funds are available.

- Once all Block 1 and 2 awards are claimed in either the Large or Small/Medium categories in a region, a \$5,000 grant (“Block 3 grant”) is available to each eligible local government that is designated a Clean Energy Community on a first-come first-serve basis until such funds are exhausted; Block 3 grant applicants need not meet the selection criteria applicable to earlier awards, but need only show Clean Energy Community designation.
- For example, after all Block 1 and 2 awards are claimed in the Small/Medium category in a region (even if Block 1 or 2 awards remain in the Large category), a Small/Medium community that earns the Clean Energy Community designation may earn a \$5,000 grant on a first-come first-serve basis until such funds are exhausted. Likewise, after all Block 1 and 2 awards are claimed in the Large category in a region (even if Block 1 or 2 awards remain in the Small/Medium category), a Large community that earns the Clean Energy Community designation may earn a \$5,000 grant on a first-come first-serve basis until such funds are exhausted.
- Up to 25 local governments in each REDC region may receive Block 3 grants
- Block 3 grants may be awarded retroactively to eligible local governments.
- Block 3 grants will be paid upon receipt of the CEC Grant Application. Local governments in Albany, Rensselaer, Columbia and Greene Counties that are awarded a Block 3 grant will have their Block 3 grant added to their \$30,000 Lafarge grant, until such time as the Lafarge grants are all claimed.
- Local governments are encouraged to use the Block 3 grant to offset the costs of the local government’s clean energy activities.

How to Apply for Block 3: Local governments that are eligible for a Block 3 award shall complete and email a Clean Energy Communities Grant Application and W-9 form to cec@nyserda.ny.gov within 90 days of award notification or lose their funding.

Grants are available to designated Clean Energy Communities on a first-come-first-served basis until the funds are exhausted. NYSERDA reserves the right to adjust funding levels and eligibility criteria as necessary to ensure the success of the program. Any changes to this solicitation will be posted on the Clean Energy Communities website at www.nyserda.ny.gov/cec.

Questions

Program questions may be directed to Bradford Tito at 866-NYSERDA ext. 3545 or Bradford.Tito@nyserda.ny.gov.

Contractual questions may be directed to Thomas Rood at 866-NYSERDA ext. 3621 or Thomas.Rood@nyserda.ny.gov.

Application Process

The application process includes two steps. The first step is to document completion of at least four high-impact actions to earn the Clean Energy Community designation. Please visit www.nyserda.ny.gov/cec to submit action item documentation. In the second step, once you have been designated a Clean Energy Community, you are eligible to apply for a grant at www.nyserda.ny.gov/cec.

NYSERDA will accept applications on a rolling basis until 3:00p.m. Eastern Time on September 30, 2019, until funds are exhausted, or until the solicitation is revised by NYSERDA, whichever comes first.

STEP 1: BECOME A CLEAN ENERGY COMMUNITY

Demonstrate that you have completed at least four of the ten high-impact actions by submitting the required documentation at www.nyserda.ny.gov/cec. To earn the Clean Energy Community designation, at least two (2) of the high-impact actions must be completed after August 1, 2016. Applicants are encouraged to submit documentation in stages as each high-impact action is completed.

STEP 2: ACCESS GRANT FUNDING

Once the applying jurisdiction receives email confirmation that it has earned the Clean Energy Community designation, **the applicant has three months** to submit a proposal for grant funding at www.nyserda.ny.gov/cec. Proposals will be evaluated based on the listed selection criteria. Projects must be ready to commence within six months of NYSERDA award notification and should be completed within three years of contract execution.

STEP 1: BECOME A CLEAN ENERGY COMMUNITY

Complete Four of Ten High-Impact Actions

To become a Clean Energy Community, the applicant must demonstrate completion of at least four of the ten high-impact actions listed below by submitting the requested documentation using the online submittal form at www.nyserdera.ny.gov/cec. To earn the Clean Energy Community designation, at least two (2) of the high-impact actions must be completed after August 1, 2016. More information on how to meet the requirements for each high-impact action, including what documentation is required, is provided on separate pages following the high level list below. Applicants are encouraged to submit documentation in stages as each high-impact action is completed. NYSERDA may independently verify completion of any high-impact action. NYSERDA may inspect or confirm the validity of the information provided or request additional information at any time. For assistance implementing these actions including technical support and toolkits that include step-by-step guidance, case studies, and template legislation, please visit www.nyserdera.ny.gov/cec.

The High-Impact Actions include:

- 1. Benchmarking**
Adopt a policy to report the energy use of municipal buildings on an annual basis and, in large cities, towns, and villages, also adopt legislation requiring the annual disclosure of energy use in large private buildings.
- 2. Clean Energy Upgrades**
Achieve a 10 percent reduction in the greenhouse gas emissions from municipal buildings through energy efficiency upgrades and renewable energy.
- 3. LED Street Lights**
Convert at least half of the municipal cobra-head-style street lights within the jurisdiction to energy-efficient LED technology.
- 4. Clean Fleets**
Install at least one EV charging station with two Level 2 charging ports and/or other alternative fuel infrastructure or deploy at least one alternative fuel vehicle in the municipal fleet.
- 5. Solarize**
Undertake a solarize campaign to increase the number of solar rooftops in the jurisdiction through group purchasing, locally-organized community education and outreach, and a limited time offer.
- 6. Unified Solar Permit**
Adopt the New York State Unified Solar Permit to streamline the approvals process for local solar projects.
- 7. Energy Code Enforcement Training**
Train code compliance officers in best practices in energy code enforcement through a structured training program provided by NYSERDA.
- 8. Climate Smart Communities Certification**
Earn Climate Smart Community (CSC) Certification at the certified, bronze, silver or gold levels through compliance with this robust, comprehensive rating system.
- 9. Community Choice Aggregation**
Transition to a cleaner, more affordable energy supply by facilitating the aggregated purchase of a 100% renewable electric supply for residential and small commercial customers within the jurisdiction.
- 10. Energize NY Finance**
Allows property owners to pay back the cost of clean energy upgrades to their commercial or non-profit property through a special charge on their property tax bill.

1

Benchmarking

Applicable to All Communities

Rationale

Benchmarking is a policy that a local government adopts that requires the annual reporting of energy used in municipal buildings and, in large communities, also requires the annual disclosure of energy used in large private buildings. It's important because buildings account for over 60% of the energy used in New York State. Setting up a system for measuring and sharing data on building energy use over time will allow owners and occupants to compare energy usage against other buildings, and better identify opportunities to cut energy waste. Collecting, reporting, and sharing benchmarking data regularly also helps the public and government agencies make smarter investment decisions, reward efficiency, and drive widespread, continuous improvement.

Requirements

Demonstrate completion of the Benchmarking action by submitting the following documentation:

For small and medium-size communities (0-39,999 population) and all county governments

Submit a copy of an executed local law, ordinance, or resolution (template legislation can be accessed in the Benchmarking toolkit at www.nyserda.ny.gov/cec) that requires the applying jurisdiction to make available to the public on the internet on an annual basis, energy use information for each municipal building that is owned or occupied by the applying jurisdiction that is 1,000 square feet or larger. At a minimum, publicly disclosed energy use information shall include each building's energy use intensity (EUI), annual greenhouse gas emissions, and an energy performance score where available. The legislation must require the following:

Benchmark

- Create an ENERGY STAR Portfolio Manager Account
- Gather basic information required by Portfolio Manager and set up property profile(s)
- Obtain monthly, whole building energy use data for all fuel types including, but not limited to, electricity, natural gas, fuel oil, chilled water, steam, and diesel
- Enter property uses and details into profile(s)
- Enter energy use data for all fuel types

Report

- Generate and review the building's report in Portfolio Manager
- Submit the report to the municipality through Portfolio Manager
- Make available to the public on the internet annual summary statistics for each covered property including Energy Use Intensity (EUI), annual greenhouse gas emissions, an energy performance score where available, and other descriptive information as required by Portfolio Manager

For large-size cities, towns, and villages (40,000+ population)

Submit a copy of an executed local law, ordinance, or resolution (template legislation can be accessed in the Benchmarking toolkit at www.nyserda.ny.gov/cec) as described for small and medium-size communities above, and/or to establish the same requirement for the owners of commercial and multifamily buildings 25,000 square feet or larger.

Date of Completion

- Date of completion for this action is defined as the date the legislation was fully adopted.

Recommendations

- Use benchmarking data to identify buildings with the greatest opportunity for energy and cost savings.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

2

Clean Energy Upgrades

Applicable to All Communities

Rationale

Clean Energy Upgrades are energy efficiency and renewable energy projects in municipal buildings and facilities. By replacing outdated equipment with new smart and efficient technology, municipalities are well positioned to save energy and money over time. State programs can help get these projects accomplished with no or low up-front cost while generating net savings to your bottom line. Everything from municipal headquarters to public works facilities, fire stations, police precincts, parks facilities, and even water treatment plants are good candidates for upgrades. Perhaps most important, Clean Energy Upgrades show leadership and contribute to building healthier, more vibrant communities.

Requirements

Demonstrate completion of the Clean Energy Upgrades action by submitting the following documentation:

- Submit an ENERGY STAR Portfolio Manager benchmarking report including energy use information for each municipal building that is owned or occupied by the applying jurisdiction that is 1,000 square feet or larger. The report shall include each building's energy use intensity (EUI), annual greenhouse gas emissions, and an energy performance score where available. The report should cover at least 12 months but not more than 36 months of energy use of the portfolio from the year(s) prior to the commencement date of the upgrades as the baseline.
- Submit succinct and relevant documentation that demonstrates a minimum 10 percent reduction in greenhouse gas emissions against the baseline with projects that are substantially complete by the date of submission. The documentation may include 1) an ASHRAE Energy Audit, 2) an approved pre-and-post engineering study that identifies implemented Energy Conservation Measures, 3) an executed contract or agreement, or 4) comparable information.
- Submit a complete Clean Energy Upgrades Calculator, available in the Clean Energy Upgrades toolkit at www.nyserda.ny.gov/cec. Please be sure to complete the most recent version. Information requested will include, but is not limited to, specific equipment or infrastructure upgrades and estimated energy savings of implemented measures.
- The required reduction in greenhouse gas emissions may be achieved with renewable energy sources including solar, wind, geothermal, premium-efficiency wood pellets, anaerobic digester gas, or renewable energy credits. Renewable energy credits must be certified by Green-e or be Clean Energy Standard (CES) Tier 1 and retired in the New York State Generation Attribute Tracking System (NYGATS).
- The upgrades must have been substantially complete after January 1, 2014.

Date of Completion

- Date of completion for this action is defined as the date the project achieves substantial completion.

Recommendations

- The New York Power Authority (NYPA) provides turn-key energy efficiency upgrades to municipal buildings of qualifying jurisdictions. Working closely with your team, NYPA and their contractors handle every aspect of design and construction. NYPA offers low-interest rate financing and projects can typically be accomplished with no or low up-front cost while generating net savings to your bottom line.
- Energy performance contracts can also be used to procure energy savings and facility improvements with no or low up-front capital costs.
- Consult your utility to identify incentives that may be available for energy efficiency improvements.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

3

LED Street Lights

Applicable to communities that pay for the electricity for most street lights within the jurisdiction

Rationale

By replacing conventional street lights with energy efficient LED technology, communities can reduce street light energy use by as much as 65 percent, generating cost savings and emission reductions. In addition, street light projects can contribute to creating a well-lit, safer, and more attractive community. LED street lights last up to 100,000 hours and require much less maintenance than conventional street lights. The opportunity to incorporate smart, connected technology such as dimming functions, enhanced law enforcement response, and parking management offers a world of almost unlimited possibilities. Even those communities that do not own their own streetlights have options for converting street lights in their jurisdiction to LED.

Requirements

Demonstrate completion of the LED Street Lights action by submitting the following documentation:

- Submit a completed LED Street Light Certification Form (accessed in the LED Street Lights toolkit at www.nyserderda.ny.gov/cec) or comparable information demonstrating that a minimum of 50 percent of all municipal and utility-owned cobra-head-style street lights have been converted to LED within the geographic jurisdiction. This documentation should include the number of street lights converted, including the proportion of converted cobra-head street lights to total cobra-head street lights.
- A minimum of 10 fixtures must be converted to LED to qualify per jurisdiction.

Date of Completion

- Date of completion for this action is defined as the date on which 50 percent of the streetlights or, for those communities with less than 20 streetlights, 10 fixtures were converted to LED.

Recommendations

- Consult with NYSERDA regarding which LED conversion and technology options make the most sense to meet your economic and operational goals.
- Check with your utility regarding options for converting street lights to LED.
- Municipalities that do not own their own street lights may pursue a negotiated agreement with their utility for transfer of ownership of the complete system of street lights and supporting infrastructure.
- Energy performance contracts may be used to upgrade street light systems with no or low up-front capital costs. Consider coupling the street light conversion with clean energy upgrades to municipal buildings or water / wastewater treatment infrastructure as part of a portfolio approach.
- The New York Power Authority (NYPA) offers a program to convert street lights to LEDs using low-interest rate financing.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserderda.ny.gov.
- A toolkit of resources is available at www.nyserderda.ny.gov/cec.

4

Clean Fleets

Applicable to All Communities

Rationale

Clean Fleets is an effort by local governments to invest in alternative fuel vehicles and infrastructure while increasing opportunities for constituents to access electric vehicle charging stations. Compared to gasoline-powered cars, Electric Vehicles (EVs) are more energy efficient and cost about 50 to 70% less to operate per mile. Clean vehicles reduce greenhouse gas emissions and pollutants that cause smog and acid rain. Charging stations are being installed at a wide variety of locations across New York State. In communities large and small, urban and rural, there are sites well-suited to hosting charging stations.

Requirements

Demonstrate completion of the Clean Fleets action by submitting the following documentation:

- Submit a completed Clean Fleets Certification Form (accessed in the Clean Fleets toolkit at www.nyserda.ny.gov/cec) or comparable information to demonstrate municipal provision of at least one electric vehicle charging station or compressed natural gas (CNG) fueling station. Electric vehicle charging stations must consist of either two (2) or more Level 2 charging ports or one (1) or more DC fast charge ports. Equipment may have been installed at any time prior to the application date, but must be active at the time of submittal. The municipality must own or lease the equipment. Alternative fuel supply infrastructure may be used for government operations or public use.

OR

- Submit a completed Clean Fleets Certification Form (accessed in the Clean Fleets toolkit at www.nyserda.ny.gov/cec) or comparable information to demonstrate municipal deployment of at least one alternative fuel vehicle in the municipality's fleet. Qualifying alternative fuel vehicles include plug-in hybrid vehicles, battery-electric vehicles, and CNG vehicles. Vehicles must be manufactured for use primarily on public streets, roads, and highways and have a maximum speed capability of at least fifty-five miles per hour. Vehicles may have been purchased or leased at any time prior to the application date, but must be active at the time of submittal.

Date of Completion

Date of completion for this action is defined as the date the equipment became operational.

Recommendations

- Applicants should gauge local and regional demand for alternative fueling stations and consider the most appropriate fuel type for the area.
- The first step in supporting alternative fuel transportation infrastructure is assessing the demand for and feasibility of an alternative fueling station.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

5

Solarize

Applicable to All Communities

Rationale

Solarize is a short term (approximately 6-9 months, including planning and outreach), local effort that brings together groups of potential solar customers through widespread outreach and education. This model helps customers choose a solar installation company that is offering competitive, transparent pricing. After a thorough pre-qualification process, a designated solar installer(s) will be named for the campaign. Residents and businesses who sign up for solar installations by a specific deadline will be able to take advantage of group rates below market prices. Well-organized Solarize campaigns are a great way to support solar while being active and visible in your community.

Requirements

Demonstrate completion of the Solarize action as follows:

- Submit documentation to demonstrate direct municipal participation in previous rounds of NYSERDA Community Solar NY. To earn credit for this action, the Solarize campaign must have been launched after January 1, 2014. Documentation may include one or more of the following: a letter of commitment submitted with the Community Solar NY application, a press release, a flyer from an event hosted by the jurisdiction, a screenshot of the solarize website, newspaper article, a passed resolution, or comparable information.
- Submit a completed Solarize Customer List (a template can be accessed in the Solarize toolkit at www.nyserda.ny.gov/cec) that includes at least ten (10) solar customers that resulted from the solarize campaign within your jurisdiction including the address, name of the installer, and either the date contract was signed, the date the project was installed, the date the installation was permitted, or the date the NY Sun incentive application was submitted.

OR

- For new Solarize campaigns, before you start the planning process, please send an email to cec@nyserda.ny.gov to ensure all NYSERDA requirements are met to earn credit for this action, including those outlined in the Solarize Scoping Document Terms and Conditions.
- Submit a completed Solarize Campaign Scoping Document, available in the Solarize toolkit at www.nyserda.ny.gov/cec. Please be sure to complete the most recent version. The scoping document will detail the campaign's goals and objectives, roles and responsibilities of project partners, deliverables, and milestones. The applicant shall sign off on the Terms and Conditions included with the Scoping Document to earn credit for this action.
- Submit a completed Solarize Customer List (a template can be accessed in the Solarize toolkit at www.nyserda.ny.gov/cec) that includes at least ten (10) solar customers that resulted from the solarize campaign within your jurisdiction including the address, name of the installer, and either the date contract was signed, the date the project was installed, the date the installation was permitted, or the date the NY Sun incentive application was submitted.

Date of Completion

- Date of completion for this action is defined as the date on which the Solarize campaign was launched.

Recommendations

- Team up with individuals, organizations, and nearby jurisdictions that are willing and able to conduct community-wide education and outreach around solar energy.
- Pass a local resolution in support of the Solarize campaign.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

6

Unified Solar Permit

Applicable to All Communities that Enforce the Uniform Code for Private Buildings

Rationale

The Unified Solar Permit (revised October 2016) is a standardized permit application designed to streamline the approval process for installing solar in the community. The standardized permit is expected to cut costs by creating a uniform permitting process in municipalities across the State. As municipalities adopt the permit, installers and municipalities alike will save time and resources permitting solar electric systems. An expedited process will allow these standard systems to pass quickly through the jurisdictional review process, freeing up time for all involved parties, decreasing the overall installation time for customers, and allowing non-standard systems the necessary time for detailed review.

Requirements

Demonstrate completion of the Unified Solar Permit action by submitting the following documentation:

- Submit a copy of an executed local law, ordinance, or resolution adopting the New York State Unified Solar Permit (the permit can be accessed in the Unified Solar Permit toolkit at www.nyserda.ny.gov/cec)
- Submit a copy of the Unified Solar Permit being used by the applying jurisdiction.
- Please note that an updated version of the New York State Unified Solar Permit was released in October 2016. NYSERDA will only accept the new version of the permit.

Date of Completion

- Date of completion for this action is defined as the date on which the Unified Solar Permit was adopted.

Recommendations

- Review the NY-Sun Solar Guidebook for Local Governments which is a useful reference containing supporting documents for local governments and code officials. In addition to the New York State Unified Solar Permit, the guidebook includes topics such as roof top solar access requirements for firefighters and first responders, information on the Real Property Tax Law 487 exempting solar PV systems, a fact sheet for Agricultural Districts, a fact sheet for landowners considering solar leases, information on land use planning, and a model solar energy law.
- Consider a flat fee that fairly reflects the time needed for municipal staff to review and issue the solar permit.
- Post information on your website about the permit application process including timelines for permit application review and issuance.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

7

Energy Code Enforcement Training

Applicable to All Communities that Enforce the Uniform Code for Private Buildings

Rationale

The Energy Code is a minimum building standard for energy efficiency, applicable to new construction and renovation of commercial and residential buildings in New York State. The Energy Code is a complex document and one of nine building codes in New York State, making implementation and enforcement complex and time consuming. Since buildings represent roughly 60% of New York's total energy consumption, there is significant opportunity for energy savings through improved Energy Code compliance.

Requirements

Demonstrate completion of the Energy Code Enforcement Training action as follows:

For small and medium-size communities (0-39,999 population)

At least one code official must complete a NYSERDA-approved Clean Energy Communities Energy Code Enforcement Training series including both residential and commercial workshops. Small and medium-size communities that enrolled in the Energy Code Enforcement Training prior to August 8, 2017 may complete the requirements as they were originally defined at enrollment, provided the community completes the training by April 1, 2018, or they have the option of participating in the offering as described above.

For large-size communities (40,000+ population)

This training module begins with a preliminary orientation meeting and is followed by collaborative plans review and joint onsite inspection (the footing and foundation inspection and the final inspection are not eligible) of two (2) building projects, followed by a close-out meeting summarizing the results of the module, including key considerations and guidance for moving forward. The local code enforcement officer and at least two other municipal staff, officials, or planning board and zoning board of appeals members must participate in the preliminary meeting and close-out meeting. The entire building department staff is encouraged to participate in all aspects of the training.

Submit a copy of the notification of completion email, or comparable information to earn credit for this action. For more information or to enroll in the training program, please send an email to cec@nyserda.ny.gov or visit www.nyserda.ny.gov/cec.

Date of Completion

- Date of completion for this action is defined as the date of the notification of completion email.

Recommendations

- Offer to host a training workshop by sending an email to cec@nyserda.ny.gov.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

Climate Smart Communities Certification

Applicable to All Communities

Rationale

The Climate Smart Communities Certification (CSC) program provides local governments with a robust framework to guide their climate action and enables high-performing communities to achieve recognition for their leadership. Designed around the CSC pledge elements, the certification program recognizes communities for their accomplishments through a rating system leading to four levels of award: Certified, Bronze, Silver and Gold.

Requirements

Demonstrate completion of the Climate Smart Communities Certification action by submitting the following documentation:

- Submit a screenshot of the New York State Department of Environmental Conservation (NYSDEC) website or comparable information, that demonstrates your community has been listed as a Certified Climate Smart Community at the certified, bronze, silver or gold level.
- For communities that have already been listed as Certified Climate Smart Communities, achieving a higher level of Climate Smart Communities Certification after August 1, 2016 shall be counted as a new action.

Date of Completion

- Date of completion for this action is defined as the date on which NYSDEC provides notification to the community regarding its achievement of a certification level.

Recommendations

- For more information, please visit the DEC website at <http://www.dec.ny.gov/energy/56876.html>. If you are interested in Climate Smart Communities, please contact the DEC Office of Climate Change at (518) 402-8448 or by email at climatechange@dec.ny.gov.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyscrda.ny.gov.
- A toolkit of resources is available at www.nyscrda.ny.gov/cec.

Community Choice Aggregation

Applicable to all Cities, Towns, and Villages

Rationale

Community Choice Aggregation (CCA) is a municipal energy procurement model that replaces the utility as the default supplier of electricity for virtually all homes and small businesses within your jurisdiction. CCA puts control of choosing energy supply in local hands. By pooling demand, communities build the clout necessary to negotiate lower rates with private suppliers, and are able to choose cleaner energy. A CCA can allow whole communities to participate in the clean energy economy by ensuring that a greater percentage of electricity is coming from renewable sources. CCA has the potential to simultaneously deliver lower monthly bills and cleaner energy for your constituents.

Requirements

Demonstrate completion of the CCA action by submitting the following documentation:

- Submit a copy of the adopted legislation authorizing the municipality's participation in an opt-out CCA program.
- Submit a copy of an executed electric service agreement between the applying jurisdiction and an Energy Services Company (ESCO) to supply electricity to participating customers on an opt-out basis that is a default 100% renewable clean energy product mix. Renewable energy credits must be certified by Green-e or be Clean Energy Standard (CES) Tier 1 and retired in the New York State Generation Attribute Tracking System (NYGATS).
- For communities that are already part of a CCA, executing an addendum to the electric services agreement after August 1, 2016 to switch to a default 100% renewable clean energy product mix shall be counted as a new action.

Date of Completion

- Date of completion for this action is defined as the date on which the electric service agreement or addendum is fully executed.

Recommendations

- Consider teaming up with other nearby municipalities and allowing a local or regional group to administer the CCA program.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

Rationale

Energize NY Finance, also known as Property Assessed Clean Energy (PACE) Financing, is a program adopted by an eligible local government that allows property owners to pay back the cost of clean energy upgrades to their commercial or non-profit property through a special charge on their property tax bill. Energize NY Finance enables eligible commercially-owned buildings in New York State to secure funds to tackle significant energy upgrades and renewable energy projects. This financing structure is available through the Energy Improvement Corporation (EIC) for projects that aim to install permanent improvements that reduce energy costs in existing buildings. EIC is a local development corporation and a New York State nonprofit established specifically to assist municipalities and property owners achieve long-term energy savings and/or generate renewable power for use on site.

Requirements

Demonstrate completion of the Energize NY Finance action by submitting the following documentation:

- Submit a copy of the official letter from the Energy Improvement Corporation (EIC) confirming the local government's EIC membership or a screenshot of EIC's Participating Municipalities webpage that shows the applying jurisdiction listed as a current member.

Date of Completion

- Date of completion for this action is defined as the date the local government became an EIC member.

Recommendations

- If you are interested in establishing an Energize NY Finance program, please contact the Energy Improvement Corporation at (914) 302-7300 or by email at info@energizeny.org.
- If your municipality has been allocated Qualified Energy Conservation Bonds (QECBs), consider using them in support of your Energize NY Finance Program.

Resources

- Dedicated and knowledgeable local Clean Energy Coordinators are available to assist municipal staff as they implement this action. To access this support, please send an email to cec@nyserda.ny.gov.
- A toolkit of resources is available at www.nyserda.ny.gov/cec.

STEP 2: ACCESS GRANT FUNDING

Applicants must earn the Clean Energy Community designation to be eligible for grant funding under this program. Once the applying jurisdiction receives email confirmation that it has earned the Clean Energy Community designation, **the applicant has three months** to submit a proposal for grant funding at www.nyserda.ny.gov/cec. Projects must be ready to commence within six months of award notification and should be complete within three years of contract execution. At NYSERDA's discretion, one extension of up to two months may be granted. Extension requests should be in writing to cec@nyserda.ny.gov and submitted at least two weeks prior to the deadline. It should outline the reasons for the extension and the amount of time requested. Communities that miss the submission deadline without having received an approved extension are at risk of losing their funding. No local cost share is required and up to 25% of the grant funds may be available as an advanced payment upon contract execution, subject to recapture for non-compliance or non-performance.

Eligible Project Types

Applicants must propose a project(s) or initiative(s) for funding. Good projects will score highly when evaluated according to the criteria outlined in the section of this document entitled "Selection Criteria."

Ineligible Project Types

Projects that do not meet the Selection Criteria outlined in the section of this document entitled "Selection Criteria" are not eligible.

Proposal Requirements

Projects will be scored and awarded on a rolling basis. No project or applicant is guaranteed funding. Applications will be reviewed as outlined below.

- The grant application is available at www.nyserda.ny.gov/cec.
- Attachments to PON 3298, described in more detail on the website, include the following:
 - Grant Application (Attachment A)
 - Statement of Work (SOW) (Attachment B)
 - Sample Agreement (Attachment C)
- The following documents must be submitted in addition to Attachments A and B:
 - Signed Letter of Commitment(s)
- NYSERDA may reach out to applicants via email with specific follow-up questions after reviewing proposals. Should NYSERDA request additional information, applicants will have five business days to respond in order for that information to be considered in the evaluation process.
- Applicants must earn a minimum of 60% of available selection criteria points to be considered eligible. If a proposal is found to be incomplete or if it does not earn a minimum of 60% of available selection criteria points, the applicant may reapply within two months of notification.
- Review meetings will be held periodically, on at least a quarterly basis, depending on the volume of applications.
- NYSERDA may condition awards upon applicant acceptance of requests for minor modifications to project scopes to ensure that NYSERDA program goals are met. NYSERDA reserves the right to request additional information.
- NYSERDA reserves the right to reject proposals that would otherwise be eligible for other existing NYSERDA or other New York State funding opportunities.
- NYSERDA, in order to avoid double-funding projects or measures within projects, may adjust awarded funding amounts at any time based on new information regarding other project funding secured.
- NYSERDA reserves the right to adjust award amounts at its sole discretion.
- Applicants must agree, or provide written exceptions, to NYSERDA's standard contracting Terms and Conditions, which can be found at www.nyserda.ny.gov/cec.

Selection Criteria

Applications will be evaluated based on the following criteria, with a total number of possible points allocated to each, as well as compliance with the minimum performance requirements stated in the sample SOW (Attachment B). Applicants must earn a minimum of 60% of the selection criteria points to be considered eligible.

1. To what extent does the proposer present a thorough, sound, detailed approach for accomplishing the objectives of their proposal within a reasonable timeframe? (25 possible points)
 - Is the project clearly and concisely defined?
 - Are project costs justified based on expected benefits?
 - Is the budget broken down by Task to match the Tasks established in the scope of work?
 - Is there an estimate of the timeframe for completing different phases of the project including the design phase and the construction/implementation phase?
2. To what extent does the project/initiative have a positive direct impact on energy use and greenhouse gas emissions? (30 possible points)
 - Is the proposal likely to achieve direct greenhouse gas emission reductions greater than 1 ton of CO₂ equivalent annually per 10,000 residents?
 - Does the proposal provide a clear estimate along with a brief description/methodology to support these estimates, of annual energy savings and greenhouse gas emission reduction?
 - Does the proposal include an implementation component, not only a study or plan?
3. To what extent will efforts be made to collaborate with other municipalities and to transfer knowledge to the broader region and state? (15 possible points)
 - To what extent does the municipality provide specific tools and resources that other municipalities can use to facilitate collaboration or develop their own projects?
 - Is there a strategy in place to promote the project so that several other municipalities are made aware?
 - Will the municipality host an open house, presentation, website posting, or webinar to describe best practices and lessons learned from the project?
4. To what extent does the proposal involve an innovative and/or replicable approach? (15 possible points)
 - Does the project have the potential for wide-scale replication?
 - To what extent does the proposer document the potential for replication?
 - Does the proposal include a well-articulated strategy to overcome key barriers and to catalyze a market to achieve economic and environmental benefits through economies of scale?
5. To what extent will the project/initiative leverage public and private dollars and/or generate economic development benefits (i.e. temporary or permanent job creation and investment)? (15 possible points)
 - Does the proposal include cost-sharing? If cost-sharing is included, is it documented in the contract budget form?
 - Does the project provide direct economic development benefits including job creation or retention, savings, investment, or multiplier affects?
 - Approximately how many temporary or permanent jobs is the project likely to create?

Performance Requirements

In addition to the criteria above, projects will be assessed to determine if they comply with the performance requirements included in the Statement of Work (Attachment B) template posted to the CEC website. This template includes performance requirements for standard project types including conversion of street lights to LED, installation of solar, purchase of electric vehicles, installation of electric vehicle charging stations, and implementation of energy efficiency projects. Other projects may be proposed and approved. However, when a project includes a standard project type, clear expectations will ensure cost-effective projects are designed and implemented in a manner consistent with NYSERDA standards and best practices.

Metrics Report

It is important to begin considering project benefits at the application stage. Anticipated benefits associated with Clean Energy Communities projects shall be measured. Each successful applicant shall submit preliminary (design) and final (completion) quantified documentation of the benefits of the project, including greenhouse gas reductions and energy savings, determined and documented in Exhibit E of Attachment B, Statement of Work (SOW), which can be found on the www.nyserdera.ny.gov/cec webpage. Each successful applicant shall design the project to achieve the benefits identified in these submissions. NYSERDA will use the Metrics Report to: assess activities in the project, capture the extent of benefits delivered, and gauge performance of the project and of the CEC Program. If requested, the Contractor shall coordinate with the NYSERDA Project Manager to schedule a date for a site inspection. NYSERDA may also request applicable documentation including, but not limited to, photos of the funded project components.

GENERAL CONDITIONS

Proprietary Information: Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserdera.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k

NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a – NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
625 Broadway
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

Contract Award

NYSERDA may award a contract based on initial applications without discussion, or following limited discussion or negotiations pertaining to the Statement of Work (Attachment B). Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement (Attachment C) to contract successful proposals. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements

NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSERDA's Accessibility Requirements](#).

Limitation

This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

Disclosure Requirement

The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

Disclaimer

All projects must address the qualifications and eligibility requirements listed in this Guidance Document. NYSERDA reserves the right to issue revisions to this solicitation at any time. Any revisions will be announced and posted on NYSERDA's website at www.nyserda.ny.gov. High-Impact Actions may be adjusted, phased out, or newly developed based on a variety of factors including, but not limited to, new opportunities to help communities drive local energy action, level of uptake in communities relative to other actions, changes in the regulatory environment, consistency

with NYSERDA and other New York State agency program offerings, and availability of external assistance, such as federal programs, tools, and resources.

Additional Resources

All program resources and guidelines can be found on the Clean Energy Communities webpage at the following location: www.nyserdera.ny.gov/cec. All other questions about this solicitation should be submitted to NYSERDA, in writing, at cec@nyserdera.ny.gov.

Attachments

Attachment A – Grant Application

Attachment B – Statement of Work (SOW)

Attachment C – Sample Agreement