

**2026 Joint Legislative Budget Testimony**

**Environmental Conservation/Energy**

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**Upstate New York Towns Association**

**January 28, 2026**

Thank you to Senate Finance Committee Chair Liz Krueger and Assembly Ways and Means Committee Chair J. Gary Pretlow and distinguished members of the panel for holding today's hearing.

I will speak about proposed additions to the Community Solar Act that would erode Home Rule. Municipalities appreciate being in a Home Rule state, where local municipalities can manage their own affairs and create local laws with less interference from the State. It's a form of self-governance where local communities have autonomy over "local concern" issues, meaning local communities can decide on many things without needing explicit state permission.

Bill S8119A in the Senate Local Government Committee and Bill A9087 in the Assembly Energy Committee have provisions that go counter to Home Rule. Most notable are the setback requirements. For example, these bills require only a setback of 150 feet from occupied community buildings and dwellings on non-participating properties. Our association represents municipalities that already have passed local laws with a 250 feet setback for non-participating habitable residential structures. These laws were passed after work by planning committees, Board review, public hearings, and Board approval. S8119A and A9087 would make the municipalities go back and do this work over within a 120-day time period. We thought we had Home Rule where the municipalities could make decisions regarding solar. If these bills are

passed to add to the Community Solar Act, the State would be determining some of the provisions of the municipalities' solar laws. This is not acceptable in a Home Rule state.

Other concerns with S8119A and A9087 relate to decommissioning, sound limitation, and limiting the number of facilities. Standards would not be required for decommissioning or deconstruction of a facility or related financial assurances. The amount of any decommissioning payment would be limited to the cost identified in the decommissioning or deconstruction plan minus the salvage value of the project. Decommissioning values would have to be updated every five years for the first twenty years of operation and every year thereafter. Regarding sound limitation, municipalities would not be able to set a sound limitation for any components that are more restrictive than the sound limitations established for any other use or activity. Regarding limiting the number of facilities, municipalities would not be able to adopt zoning regulations that limit the number of distributed generation energy facilities from being developed or operated in any district zoned to allow agriculture or industrial areas.

"One Size Fits All" legislation for different solar projects in many different municipalities does not make sense. There are too many variables in size, layout, terrain, technology and so forth that thinking that one set of rules will fit is lacking reasonableness. Remember, the purpose of Home Rule is to increase local control, not decrease local control, and to increase responsiveness to community needs, putting decision-making closer to the people, not further away with the State. We must balance overarching state authority with local self-governance. There are provisions in S8119A and A9087 that go counter to local self-governance through Home Rule.

Thank you very much for the opportunity to speak on behalf of the Upstate New York Towns Association.