

1 (e) (i) If the energy affordability monitor discovers evidence of
 2 widespread errors, including but not limited to errors in billing,
 3 rates, charges, and compensation for employees or third-party contrac-
 4 tors, miscategorization of expenses, fraud, or wrongdoing, and the
 5 department, after reviewing the evidence from the monitor, determines
 6 such evidence constitutes a credible and actionable allegation of a
 7 violation of the law, the department shall initiate an investigation or
 8 enforcement action.

9 (ii) The commission shall determine whether the corporation was at
 10 fault and shall take any corrective action it deems appropriate. Any
 11 settlement, interest, fees, penalties or disgorged profits collected by
 12 the commission as a result of investigations pursuant to this subdivi-
 13 sion shall be returned to impacted residential and small non-residential
 14 ratepayers in the form of on-bill credits.

15 § 4. This act shall take effect January 1, 2027. Effective immediate-
 16 ly, the addition, amendment and/or repeal of any rule or regulation
 17 necessary for the implementation of this act on its effective date are
 18 authorized to be made and completed on or before such date.

PART Q

Intentionally Omitted

PART R

22 Section 1. Subdivision 5 of section 8-0105 of the environmental
 23 conservation law, as amended by chapter 228 of the laws of 1976, is
 24 amended and three new subdivisions 11, 12 and 13 are added to read as
 25 follows:

26 5. "Actions" do not include:

27 (i) enforcement proceedings or the exercise of prosecutorial
 28 discretion in determining whether or not to institute such proceedings;

29 (ii) official acts of a ministerial nature, involving no exercise of
 30 discretion;

31 (iii) maintenance or repair involving no substantial changes in
 32 [exsiting] existing structure or facility.

33 11. "Previously disturbed site" means a parcel of land that:

34 (i) is determined by a responsible agency to have been substantially
 35 altered by an occupied, formerly occupied, or demolished building or by
 36 another improvement or use at least two years prior to the application
 37 for a permit or authorization for an action;

38 (ii) for any parcel located within a city, town, or village with a
 39 population of fewer than one million persons and located outside of an
 40 urban area, as such term or equivalent term is or comes to be defined by
 41 the United States Census Bureau in the most recent decennial census
 42 beginning on or after the two thousand twenty decennial census, such
 43 parcel shall abut, adjoin, or be opposite from another parcel that is or
 44 has been occupied or formerly occupied by a building, or demolished
 45 building, or another improvement or use at least two years prior to the
 46 application for a permit or authorization for an action, provided such
 47 abutting, adjoining, or opposite parcel shall not be occupied by an
 48 industrial or agricultural use;

49 (iii) for any parcel that is located within a city, town, or village
 50 with a population of fewer than one million persons, is not located in a
 51 Federal Emergency Management Agency (FEMA) designated 100-year flood-

1 plain, or special flood hazard area, provided that this paragraph shall
2 not apply if such a city, town, or village has adopted a law or ordi-
3 nance that requires new construction to be elevated above the base flood
4 elevation as defined by FEMA;

5 (iv) for any parcel that is located within a city, town, or village
6 with a population of more than one million persons, is not located in
7 a flood hazard area, as defined in section two hundred two of the New
8 York city building code, provided that this paragraph shall not apply if
9 such a city, town, or village has adopted a law or ordinance that
10 requires new construction to be elevated above the base flood elevation
11 as defined by FEMA;

12 (v) is not currently being used for agricultural purposes and has not
13 been used for agricultural purposes within: (a) the immediately preced-
14 ing two years, or (b) three of the last five years before the applica-
15 tion for a permit or authorization for an action; and

16 (vi) is not located in a designated coastal erosion hazard area.

17 12. "Small community water system" means a public water system which
18 serves at least five service connections used by year-round residents or
19 regularly serves at least twenty-five year-round residents, and serves
20 thirty-three hundred or fewer persons.

21 13. "Public school facilities" shall mean educational facilities, as
22 defined in section twenty-five hundred ninety-a of the education law, of
23 a city school district in a city having a population of one million or
24 more persons, over which the department of education for such city has
25 jurisdiction, for purposes of meeting the class size compliance targets
26 set forth in subdivision two of section two hundred eleven-d of the
27 education law.

28 § 2. The opening paragraph of subdivision 4 of section 8-0109 of the
29 environmental conservation law, as amended by chapter 49 of the laws of
30 2023, is amended to read as follows:

31 As early as possible in the formulation of a proposal for an action
32 but not more than one year from the establishment of a lead agency, the
33 responsible agency shall make an initial determination as to whether an
34 environmental impact statement need be prepared for the action. In
35 making such determination for any proposed action the responsible agency
36 shall consider whether such action may cause or increase a dispropor-
37 tionate pollution burden on a disadvantaged community that is directly
38 or significantly indirectly affected by such action. When an action is
39 to be carried out or approved by two or more agencies, such determi-
40 nation shall be made as early as possible after the designation of the
41 lead agency.

42 § 3. Subdivision 5 of section 8-0109 of the environmental conservation
43 law, as amended by chapter 252 of the laws of 1977, the opening para-
44 graph as amended by chapter 749 of the laws of 1991, is amended to read
45 as follows:

46 5. After the filing of a draft environmental impact statement the
47 agency shall determine whether or not to conduct a public hearing on the
48 environmental impact of the proposed action. If the agency determines to
49 hold such a hearing, it shall commence the hearing within sixty days of
50 the filing and unless the proposed action is withdrawn from consider-
51 ation shall prepare the environmental impact statement within forty-five
52 days after the close of the hearing, except as otherwise provided. The
53 need for such a hearing shall be determined in accordance with proce-
54 dures adopted by the agency pursuant to section 8-0113 of this article.
55 If no hearing is held, the agency shall prepare and make available the

1 environmental impact statement within sixty days after the filing of the
2 draft, except as otherwise provided.

3 Notwithstanding the specified time periods established by this arti-
4 cle[,]:

5 (a) an agency shall vary the times so established herein for prepara-
6 tion, review and public hearings to coordinate the environmental review
7 process with other procedures relating to review and approval of an
8 action. An application for a permit or authorization for an action upon
9 which a draft environmental impact statement is determined to be
10 required shall not be complete until such draft statement has been filed
11 and accepted by the agency as satisfactory with respect to scope,
12 content and adequacy for purposes of [paragraph] subdivision four of
13 this section. Commencing upon such acceptance, the environmental impact
14 statement process shall run concurrently with other procedures relating
15 to the review and approval of the action so long as reasonable time is
16 provided for preparation, review and public hearings with respect to the
17 draft environmental impact statement[.]; and

18 (b) for actions involving applications for a permit or authorization,
19 the agency shall prepare and make available the environmental impact
20 statement within two years after the date a draft environmental impact
21 statement is determined to be required, unless the agency extends the
22 deadline in writing and, in consultation with an applicant and at the
23 discretion of the agency, establishes a new deadline that provides only
24 so much additional time as is necessary to complete the environmental
25 impact statement, considering any changes made by the applicant to the
26 project design after the issuance of the scoping document that result in
27 new significant environmental impacts, or additional actions that could
28 not have been reasonably anticipated during scoping, or the failure of
29 an applicant to timely provide necessary information despite good faith
30 effort by an agency, or delay in circumstances beyond the control of an
31 agency or an applicant.

32 § 4. Section 8-0111 of the environmental conservation law is amended
33 by adding a new subdivision 5-a to read as follows:

34 5-a. Exemptions. (a) Notwithstanding any law, rule, or regulation to
35 the contrary, the qualified actions listed in paragraph (b) of this
36 subdivision shall be exempt from the requirements of this article as
37 determined by the responsible agency. In making this determination, the
38 responsible agency shall consider the action as a whole. If the respon-
39 sible agency determines that no aspect of the action requires review
40 under this article, meaning every aspect of the action meets criteria
41 for exemption pursuant to paragraph (b) of this subdivision or is other-
42 wise exempt from the requirements of this article, the agency may
43 proceed in accordance with the criteria and standards for final decision
44 under other applicable laws, regulations, and ordinances.

45 (b) An action that is not otherwise exempt from the requirements of
46 this article, which may include building permits, special use permits,
47 variances, subdivision approvals, site plan approvals, zoning text or
48 map amendments, disposition or acquisition of real property, provision
49 of financial assistance, any other actions governed by laws, rules,
50 regulations, or procedures concerning land use, zoning, permitting, real
51 property acquisition or disposition, or development financial assist-
52 ance, or any combination thereof, shall be a qualified action exempt
53 from the requirements of this article if the responsible agency deter-
54 mines that the action is for the purposes of:

55 (i) construction of housing in cities, towns, and villages with popu-
56 lations of one million or more that shall:



- 1 (1) be connected to existing community or public water and sewerage
2 systems at the commencement of habitation;
3 (2) be located at a previously disturbed site;
4 (3) not be located within an area zoned exclusively for industrial
5 uses;
6 (4) contain no more than fifty thousand square feet of commercial,
7 retail, community facility, or other non-industrial non-residential
8 uses;
9 (5) not exceed two hundred fifty dwelling units, provided, however,
10 that for housing that shall be located within a zoning district where,
11 at the time of application, (A) the standard maximum residential build-
12 ing height is greater than forty-five feet, (B) the maximum height of a
13 building is regulated by something other than a horizontal plane and
14 that allows residential buildings to exceed forty-five feet, or (C)
15 there is no such maximum building height, such housing shall not exceed
16 five hundred dwelling units; and
17 (6) not include construction of only one single-family residence on a
18 parcel of one-half or more acres;
19 (ii) construction of housing in cities, towns, and villages with popu-
20 lations of fewer than one million persons that shall:
21 (1) be connected to existing community or public water and sewerage
22 systems at the commencement of habitation;
23 (2) be located at a previously disturbed site;
24 (3) contain no more than twenty percent commercial, retail, community
25 facility, or other non-industrial non-residential uses by gross floor
26 area;
27 (4) not exceed one hundred dwelling units, provided, however, for
28 housing within cities, towns, or villages without zoning, such housing
29 shall not exceed twenty dwelling units, and provided further, that for
30 housing not within cities, towns, or villages without zoning but within
31 an urban area, as such term or equivalent term is or comes to be defined
32 by the United States Census Bureau in the most recent decennial census
33 beginning on or after the two thousand twenty decennial census, such
34 housing shall not exceed three hundred dwelling units; and
35 (5) not include construction of only one single-family residence on a
36 parcel of one or more acres;
37 (iii) construction located at a previously disturbed site of public
38 parks that do not include performance centers, athletic stadiums, or
39 other venues for mass gatherings, or other buildings or structures which
40 do not serve public park, recreation, or open space purposes;
41 (iv) construction located at a previously disturbed site of multi-use
42 bicycle and pedestrian trails;
43 (v) construction of public school facilities to be connected at the
44 commencement of use to existing community or public water and sewerage
45 systems, including sewage treatment works, in a city with a population
46 of one million or more;
47 (vi) water and wastewater infrastructure projects that:
48 (1) replace, rehabilitate or reconstruct municipal water or wastewater
49 infrastructure, in-kind and on the same site, including lead service
50 line replacement;
51 (2) replace, rehabilitate, upgrade or reconstruct an existing small
52 community water system, including lead service line replacement; or
53 (3) provide sewer service to a disadvantaged community served by one
54 or more inadequate sewage treatment systems that has been determined by
55 the department not to require a permit or approval pursuant to articles



1 fifteen, twenty-four or twenty-five of this chapter or any rules or
2 regulations promulgated thereunder; or

3 (vii) retrofit of an existing structure and its appurtenant areas to
4 incorporate green infrastructure.

5 (c) (i) For an application for a permit or authorization for a quali-
6 fied action listed in subparagraph (i) or (v) of paragraph (b) of this
7 subdivision, to qualify for exemption from the requirements of this
8 article pursuant to this subdivision, such action shall be subject to a
9 requirement to comply with local municipal requirements regarding
10 hazardous materials remediation to the extent applicable, and the appli-
11 cant for a permit or authorization for such qualified action shall
12 certify that (1) it has followed and will follow all applicable laws,
13 rules, and regulations regarding hazardous waste, (2) for an application
14 for a permit or authorization for a qualified action other than a land
15 use action, zoning text amendment, zoning map amendment, or variance, a
16 Phase I Environmental Site Assessment has been conducted for the parcel
17 in accordance with the all appropriate inquiries regulations of the
18 United States Environmental Protection Agency under the federal Compre-
19 hensive Environmental Response, Compensation and Liability Act (40 CFR §
20 312) to identify any recognized environmental conditions, (3) it has
21 followed or will follow all applicable recommendations of the Phase I
22 Environmental Site Assessment, and (4) it will report contamination at,
23 on, or under the parcel as required by applicable laws, rules, and regu-
24 lations.

25 (ii) For an application for a permit or authorization for a qualified
26 action listed in subparagraph (ii) of paragraph (b) of this subdivision,
27 other than a land use action, zoning text amendment, zoning map amend-
28 ment, or variance, to qualify for exemption from the requirements of
29 this article pursuant to this subdivision, the applicant for a permit or
30 authorization for such qualified action shall certify to the responsible
31 agency that (1) a Phase I Environmental Site Assessment has been
32 conducted for the parcel in accordance with the all appropriate
33 inquiries regulations of the United States Environmental Protection
34 Agency under the federal Comprehensive Environmental Response, Compen-
35 sation and Liability Act (40 CFR § 312) to identify any recognized envi-
36 ronmental conditions, (2) it has followed and will follow all applicable
37 laws, rules, and regulations regarding hazardous waste, including, to
38 the extent applicable, complying with local municipal requirements
39 regarding hazardous materials remediation, (3) it has followed or will
40 follow all applicable recommendations of the Phase I Environmental Site
41 Assessment, and (4) it will report contamination at, on, or under the
42 parcel as required by applicable laws, rules, and regulations.

43 (iii) The requirements of this paragraph shall not apply (1) to a
44 qualified action initiated by an agency, or (2) if the applicant was
45 previously granted an exemption pursuant to subparagraphs (i), (ii), or
46 (v) of paragraph (b) of this subdivision for the same parcel.

47 (d) For actions involving applications for a permit or authorization,
48 the responsible agency shall determine whether such action is a quali-
49 fied action pursuant to this subdivision within one hundred twenty days
50 of receipt of such application, unless the responsible agency extends
51 the deadline in writing and, in consultation with an applicant and at
52 the discretion of the agency, establishes a new deadline that provides
53 only so much additional time as is necessary to make such determination.
54 In no event shall the deadline be extended by more than thirty days,
55 except where (i) changes are made by the applicant to the application
56 after its submission to the responsible agency and such changes relate

1 to the criteria for exemption pursuant to paragraph (b) of this subdivi-
 2 sion, (ii) an applicant fails to timely provide necessary information
 3 despite good faith effort by an agency, or (iii) there are circumstances
 4 beyond the control of the agency or an applicant that cause delay
 5 requiring an extension beyond thirty days. If the responsible agency
 6 fails to make a determination pursuant to this subdivision within the
 7 delineated time limits, an applicant may institute a proceeding in a
 8 court of competent jurisdiction under article seventy-eight of the civil
 9 practice law and rules seeking appropriate relief from the court, which
 10 may include an order directing the agency to make a determination by a
 11 deadline specified by the court.

12 § 5. Section 8-0111 of the environmental conservation law is amended
 13 by adding two new subdivisions 7 and 8 to read as follows:

14 7. Statute of limitations. The time to commence a proceeding to review
 15 an agency determination under the provisions of this article or under
 16 the rules or regulations implementing the provisions of this article
 17 shall begin to accrue when the agency determination to approve or disap-
 18 prove the action becomes final and binding upon the petitioner or the
 19 person whom the petitioner represents in law or in fact.

20 8. Construction. Nothing contained in the chapter of the laws of two
 21 thousand twenty-six which added this subdivision shall be interpreted or
 22 construed as superseding, limiting, modifying or affecting any authori-
 23 zations, requirements, or procedures under the national historic preser-
 24 vation act of nineteen hundred sixty-six, the New York state historic
 25 preservation act of nineteen hundred eighty, the parks, recreation and
 26 historic preservation law, or any other state or local law governing the
 27 identification, protection, or management of historic properties, or
 28 under any rules or regulations promulgated thereunder. Nor shall
 29 anything in the chapter of the laws of two thousand twenty-six which
 30 added this subdivision be interpreted or construed as superseding,
 31 limiting, modifying or affecting any authorizations, requirements, or
 32 procedures, including but not limited to laws, rules and regulations
 33 applicable to disadvantaged communities, stormwater management or the
 34 protection of water quality, air quality, soil erosion and drainage,
 35 freshwater wetlands, tidal wetlands, critical environmental areas, or
 36 threatened or endangered species, or any otherwise applicable statutory
 37 or regulatory standards, criteria, and permitting procedures, other than
 38 those pertaining to environmental review conducted pursuant to this
 39 article and any state and local regulations promulgated thereunder. Nor
 40 shall anything in the chapter of the laws of two thousand twenty-six
 41 which added this subdivision be interpreted or construed as superseding,
 42 limiting, modifying or affecting the authority or discretion of cities,
 43 towns, and villages under applicable state or local law, rule, regu-
 44 lation, charter, code, resolution, or ordinance regarding zoning or land
 45 use, including but not limited to any such authority or discretion
 46 regarding site plan review or other discretionary zoning or land use
 47 permits, procedures, review, or approvals, such as traffic studies,
 48 contamination testing, and determinations of the sufficiency of wastewa-
 49 ter and drinking water capacity.

50 § 6. This act shall take effect immediately and shall apply to all
 51 pending proceedings on and after such effective date; provided, however,
 52 that actions for which a determination to require an environmental
 53 impact statement are made prior to the effective date of this act shall
 54 not be subject to the provisions of this act.