



New York Solar Projects – The Municipal Perspective

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- Antitrust
- Bankruptcy and international creditors' issues
- Business formation, structuring, and expansion
- Capital market transactions
- Contracts, securities, and other corporate matters
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- Employee benefits
- Estates and trusts
- Executive compensation and relocation
- Export administration regulations
- Financing transactions
- Franchise and distribution
- FTC and fair trade practices compliance
- Government contracts and relations
- Immigration
- Intellectual property
- Labor and employment
- Litigation
- Multinational mergers and acquisitions
- Products liability
- Proposition 65 compliance
- Regulatory approvals
- Structuring for acquisition of U.S. commercial and residential real estate
- Taxation (international, federal, state, and local as well as dispute resolution)
- Technology transfers and joint ventures
- Venture capital and project financing

The Municipal Perspective

- Municipalities have four roles in NY Solar Projects
 - As a Regulator – Projects under 25 MW require local zoning approval (25 MW and over is largely a state process through Article 10)
 - As a Consumer – many municipalities have entered into Power Purchase Agreements to obtain reduced cost power
 - As a Supporter – Through the Solarize NY Campaign municipalities have an opportunity to promote solar at reduced costs
 - As a Taxing Jurisdiction – municipalities can receive PILOT or, if they opt out of the exemption, tax revenues from projects. Municipalities also set the assessed valuation for each project

As a Regulator

- Municipalities set the zoning rules which govern where (and if) projects can be built
 - Solar is a low impact use, requiring few resources, but creating long-term revenue for otherwise unproductive land
 - NYSERDA is releasing a Model Solar Law which communities which balances the concerns of developers, landowners and the community. Municipalities should adopt regulations guiding (along with SEQRA) the review process
 - Municipal authority is not absolute – utility uses should not be simply zoned out because they are governed by a relaxed use variance standard

As a Taxing Jurisdiction

- Solar Projects are exempt from real property taxes for 15 years, unless the municipality opts out
 - Because PILOTs can up to the full amount of taxes, no reason to opt out
 - Special Districts not exempt
- Two Important NYSERDA tools –
 - PILOT Calculator helps determine a fair PILOT based on each project's economics
 - Assessment calculator uses income capitalization approach to determine taxable value

Questions?

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