

# STATE OF NEW YORK

920

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

Introduced by M. of A. GALLAGHER, FAHY, STIRPE, KELLES, BURGOS, ANDERSON, BICHOTTE HERMELYN, BRONSON, BURDICK, BURKE, CARROLL, CLARK, COLTON, CRUZ, CUNNINGHAM, DAVILA, DE LOS SANTOS, DICKENS, DILAN, DINOWITZ, EPSTEIN, FORREST, GIBBS, GLICK, GONZALEZ-ROJAS, HEVESI, JACKSON, JACOBSON, KIM, MAMDANI, MEEKS, MITAYNES, OTIS, PAULIN, PRETLOW, RAMOS, REYES, RIVERA, L. ROSENTHAL, SAYEGH, SEAWRIGHT, SIMON, STECK, TAYLOR, WALKER -- read once and referred to the Committee on Energy

AN ACT to amend the energy law, in relation to enacting the "all-electric building act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "all-electric building act".

3 § 2. Section 11-102 of the energy law is amended by adding a new  
4 subdivision 17 to read as follows:

5 17. "All-electric ready." A building, project, or portion thereof that  
6 contains electrical systems and designs that provide sufficient capacity  
7 for a future retrofit of a mixed-fuel building to an all-electric build-  
8 ing, including sufficient space, drainage, electrical conductors or  
9 raceways, bus bar capacity, and overcurrent protective devices for such  
10 retrofit. The state fire prevention and building code council shall  
11 promulgate guidelines for an electric-ready building on or before Janu-  
12 ary first, two thousand twenty-four.

13 § 3. Section 11-104 of the energy law is amended by adding three new  
14 subdivisions 7, 8 and 9 to read as follows:

15 7. To support the goal of zero on-site greenhouse gas emissions and  
16 help achieve the state's clean energy and climate agenda, including but  
17 not limited to greenhouse gas reduction requirements set forth within  
18 chapter one hundred six of the laws of two thousand nineteen, also known  
19 as the New York state climate leadership and community protection act,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD00200-01-3

1 the code shall prohibit infrastructure, building systems, or equipment  
2 used for the combustion of fossil fuels in new construction statewide no  
3 later than December thirty-first, two thousand twenty-four if the build-  
4 ing is less than seven stories and July first, two thousand twenty-eight  
5 if the building is seven stories or more.

6 8. Notwithstanding the provisions of subdivision seven of this  
7 section, the state fire prevention and building code council may exempt  
8 systems for emergency back-up power, or buildings specifically desig-  
9 nated for occupancy by a commercial food establishment, laboratory,  
10 laundromat, hospital, or crematorium, but in doing so shall seek to  
11 minimize emissions and maximize health, safety, and fire-protection. In  
12 such cases, the code shall limit the infrastructure, building systems,  
13 or equipment used for the combustion of fossil fuels to the system and  
14 area of a building for which a prohibition on infrastructure, building  
15 systems, or equipment used for the combustion of fossil fuels is infea-  
16 sible. To the fullest extent feasible, the code shall require that the  
17 area or service within the project where infrastructure, building  
18 systems, or equipment used for the combustion of fossil fuels are  
19 installed shall be all-electric ready. Financial considerations shall  
20 not be sufficient basis to determine physical or technical infeasibil-  
21 ity. Exemptions or waivers provided under this subdivision shall be  
22 reviewed during each major code update cycle to determine whether they  
23 are still needed.

24 9. Nothing in this section shall be interpreted or otherwise construed  
25 as preempting a municipality from prohibiting infrastructure, building  
26 systems, or equipment that uses or combusts fossil fuels.

27 § 4. The energy law is amended by adding a new section 11-111 to read  
28 as follows:

29 § 11-111. Additional reporting. On or before February first, two  
30 thousand twenty-four, the department of public service, the division of  
31 housing and community renewal, the department of state, and the New York  
32 state energy research and development authority shall report jointly to  
33 the governor, the temporary president of the senate, the minority leader  
34 of the senate, the speaker of the assembly, and the minority leader of  
35 the assembly, regarding what changes to electric rate designs, new or  
36 existing subsidy programs, policies, or laws are necessary to ensure  
37 that subdivisions seven and eight of section 11-104 of this article do  
38 not diminish the production of affordable housing or the affordability  
39 of electricity for customers in all-electric buildings. For the purpose  
40 of this subdivision, "affordability of electricity" shall mean that  
41 electricity does not cost more than six percent of a residential custom-  
42 er's income.

43 § 5. This act shall take effect immediately.