

# STATE OF NEW YORK

920--A

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, SHRESTHA, ARDILA, SIMONE, SHIMSKY -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD00200-03-3

1 chapter one hundred six of the laws of two thousand nineteen, also known  
2 as the New York state climate leadership and community protection act,  
3 the code shall prohibit infrastructure, building systems, or equipment  
4 used for the combustion of fossil fuels in new construction statewide no  
5 later than December thirty-first, two thousand twenty-three if the  
6 building is less than seven stories and July first, two thousand twen-  
7 ty-seven if the building is seven stories or more.

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

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

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

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

45 § 5. This act shall take effect immediately.