

# STATE OF NEW YORK

9189

2025-2026 Regular Sessions

## IN ASSEMBLY

November 3, 2025

Introduced by M. of A. BOLOGNA -- read once and referred to the Committee on Energy

AN ACT to amend the energy law and the executive law, in relation to limiting the prohibition on the installation of fossil-fuel equipment and building systems in new construction to buildings located in a city with a population of one million or more; and to amend the public authorities law and the public buildings law, in relation to limiting the requirement of establishing decarbonization action plans for state-owned facilities to facilities located in a city with a population of one million or more

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 "upstate energy choice act".  
3 § 2. Paragraph (b) of subdivision 6 of section 11-104 of the energy  
4 law, as added by section 1 of part RR of chapter 56 of the laws of 2023,  
5 is amended to read as follows:  
6 (b) In addition to the foregoing, to support the goal of zero on-site  
7 greenhouse gas emissions and help achieve the state's clean energy and  
8 climate agenda, including but not limited to greenhouse gas reduction  
9 requirements set forth within chapter one hundred six of the laws of two  
10 thousand nineteen, also known as the New York state climate leadership  
11 and community protection act, the code shall prohibit the installation  
12 of fossil-fuel equipment and building systems, in any new building  
13 located in a city with a population of one million or more not more than  
14 seven stories in height, except for a new commercial or industrial  
15 building greater than one hundred thousand square feet in conditioned  
16 floor area, on or after December thirty-first, two thousand twenty-five,  
17 and the code shall prohibit the installation of fossil-fuel equipment  
18 and building systems, in all new buildings located in a city with a

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

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1 population of one million or more after December thirty-first, two thou-  
2 sand twenty-eight.

3 § 3. Subparagraph 3 of paragraph b of subdivision 2 of section 371 of  
4 the executive law, as amended by section 2 of part RR of chapter 56 of  
5 the laws of 2023, is amended to read as follows:

6 (3) recognize that the decarbonization of new and existing buildings  
7 located in a city with a population of one million or more is closely  
8 related to the state's clean energy and climate agenda as described in  
9 the New York climate leadership and community protection act set forth  
10 in chapter one hundred six of the laws of two thousand nineteen, and  
11 that the uniform code shall enable the state's clean energy objectives;

12 § 4. Paragraph a of subdivision 19 of section 378 of the executive  
13 law, as added by section 3 of part RR of chapter 56 of the laws of 2023,  
14 is amended to read as follows:

15 a. 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,  
20 the uniform code shall prohibit the installation of fossil-fuel equip-  
21 ment and building systems, in any new building located in a city with a  
22 population of one million or more not more than seven stories in height,  
23 except for a new commercial or industrial building greater than one  
24 hundred thousand square feet in conditioned floor area, on or after  
25 December thirty-first, two thousand twenty-five, and the uniform code  
26 shall prohibit the installation of fossil-fuel equipment and building  
27 systems, in all new buildings located in a city with a population of one  
28 million or more on or after December thirty-first, two thousand twenty-  
29 eight.

30 § 5. Subdivision 30 of section 1005 of the public authorities law, as  
31 added by section 4 of part RR of chapter 56 of the laws of 2023, is  
32 amended to read as follows:

33 30. To establish decarbonization action plans for state-owned facili-  
34 ties located in a city with a population of one million or more as  
35 provided for in section ninety of the public buildings law, and to  
36 consult, cooperate, and coordinate with any state entity, as required or  
37 authorized in article four-D of the public buildings law.

38 § 6. Subdivision 3 of section 90 of the public buildings law, as added  
39 by section 5 of part RR of chapter 56 of the laws of 2023, is amended to  
40 read as follows:

41 3. "Highest-emitting facilities" means state-owned facilities located  
42 in a city with a population of one million or more that are among the  
43 highest producers of greenhouse gas emissions and collectively account  
44 for at least thirty percent of the greenhouse gas emissions as recorded  
45 by the authority's Build Smart NY program established pursuant to Execu-  
46 tive Order 88 of 2012.

47 § 7. This act shall take effect immediately.