

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN SENATE

January 27, 2025

Introduced by Sens. RIVERA, CLEARE, FERNANDEZ, GONZALEZ, HOYLMAN-SIGAL, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, the state finance law, the energy law, the executive law, the labor law and the emergency tenant protection act of nineteen seventy-four, in relation to enacting the "bucks for boilers 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 "bucks for boilers act".

3 § 2. The public authorities law is amended by adding a new section
4 1885 to read as follows:

5 § 1885. Bucks for boilers program. 1. The authority, in consultation
6 with the department of public service, shall establish a program to aid
7 in the transition of all existing housing units' heating and cooling
8 from reliance on combusting oil and gas, to electric heat pumps and
9 other high energy efficiency upgrades, systems and services.

10 2. Using funds made available from the bucks for boilers fund as set
11 forth in section ninety-nine-ss of the state finance law, the authority
12 shall ensure that any building or household existing in a disadvantaged
13 community, as such term is defined by the climate justice working group
14 established under section 75-0111 of the environmental conservation law,
15 or buildings housing formerly-incarcerated individuals, with a priority
16 to buildings owned by low-income homeowners or rented to low-income
17 tenants, shall be eligible for full-cost funding for the procurement and
18 installation of equipment to be compliant with the energy efficiency
19 standards set forth under section 11-104 of the energy law, including
20 the procurement and installation of non-fossil fuel heating and cooling
21 and hot water systems and other high energy efficiency systems, includ-
22 ing electrical panel and wiring upgrades and induction or electric

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

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1 stoves. For purposes of this subdivision, installation shall also
2 include bringing eligible housing into a state of good repair. A multi-
3 family building shall be considered low-income if at least fifty percent
4 of the households within such building have incomes less than sixty
5 percent of area medium income. A multifamily building shall be consid-
6 ered medium-income if at least fifty percent of households within such
7 building have incomes between sixty percent and one hundred twenty
8 percent of area median income.

9 3. Using funds made available from the bucks for boilers fund as set
10 forth in section ninety-nine-ss of the state finance law, the authority
11 shall subsidize each residential housing building's transition through
12 the following household income thresholds:

13 (a) low-to-moderate income households with an income below one hundred
14 twenty percent area median income shall receive one hundred percent of
15 the cost of the project;

16 (b) medium-income households with an income between one hundred twenty
17 percent and one hundred eighty percent area medium income shall receive
18 eighty percent of the cost of the project; and

19 (c) high-income households with an income over one hundred eighty
20 percent of area medium income shall receive fifty percent of the cost of
21 the project.

22 4. Using funds made available from the bucks for boilers fund as set
23 forth in section ninety-nine-ss of the state finance law, the authority
24 shall create a program to pay up to fifty thousand dollars per unit for
25 any privately owned residential housing for the procurement and instal-
26 lation of equipment to be compliant with the energy efficiency standards
27 set forth under section 11-104 of the energy law, including the procure-
28 ment and installation of non-fossil fuel heating and cooling and hot
29 water systems and other high energy efficiency systems, including elec-
30 trical panel and wiring upgrades and induction or electric stoves, as
31 well as to ensure that such housing is in a state of good repair. Funds
32 from the bucks for boilers fund shall be provided to households or their
33 contractors in advance of the commencement of such procurement and
34 installation provided that the authority has reviewed and approved such
35 projects.

36 5. Using funds made available from the bucks for boilers fund as set
37 forth in section ninety-nine-ss of the state finance law, the authority
38 shall subsidize the procurement and installation of equipment to be
39 compliant with the energy efficiency standards set forth under section
40 11-104 of the energy law, including the procurement and installation of
41 non-fossil fuel heating and cooling and hot water systems and other high
42 energy efficiency systems, for all public housing units throughout the
43 state, as well as to ensure that such housing is in a state of good
44 repair.

45 6. Using funds made available from the bucks for boilers fund as set
46 forth in section ninety-nine-ss of the state finance law, the authority
47 shall establish affordability programs to pay any additional costs of
48 utility bills in order to ensure that no low-to-moderate income house-
49 holds face a higher cost for heating and cooling that may be incurred as
50 a result of conversion to electric heat pumps and/or other high energy
51 efficiency equipment for heating and cooling. For the purposes of this
52 subdivision "low-to-moderate income households" shall mean households
53 with annual incomes at or below eighty percent of the area median income
54 of the county or metro area where they reside. These affordability
55 programs shall also assist households with annual incomes above eighty
56 percent of the area median income of the county or metro area to help

1 defray additional costs but only where funds are available after priori-
2 tization of households with annual incomes at or below eighty percent of
3 the area median income of the county or metro area where they reside,
4 and with prioritization with any such funds or assistance for compar-
5 atively lower-income over higher-income households within the distrib-
6 ution of households over eighty percent of the area median income of the
7 county or metro area where they reside.

8 7. The authority shall include requirements that to be eligible for
9 receiving funds under this program, building owners:

10 (a) are prohibited for a period of five years following the completion
11 of work under this program from rent increases for temporary major capi-
12 tal improvement and individual apartment improvements for buildings
13 undertaking energy efficiency, boiler, furnace, stove replacements,
14 electrical panel, electrical wiring or related work stemming directly
15 from the building's adherence to requirements enacted pursuant to this
16 section; and

17 (b) shall extend the lease of tenants for no less than five years
18 following the completion of work under this program.

19 8. (a) The authority shall promulgate requirements for eligibility to
20 receive funds under this program which prohibit buildings from initiat-
21 ing eviction proceedings, fail to renew a lease or otherwise seek to
22 remove a tenant from housing accommodation, except:

23 (i) in situations of non-payment of rent;

24 (ii) where the tenant is violating a substantial obligation of the
25 tenancy and has failed to cure such violation within ten days;

26 (iii) where the tenant is committing or permitting a nuisance in the
27 housing accommodation;

28 (iv) where the tenant's occupancy or use or permitted use of the hous-
29 ing accommodation is in violation of the law; or

30 (v) where the tenant has unreasonably refused the landlord's access to
31 the housing accommodation for the purpose of making repairs and improve-
32 ments.

33 (b) A rent increase is presumed to be unreasonable and not a basis for
34 eviction if it exceeds either three percent of the previous rental
35 amount or one and one-half times the annual percentage change in the
36 consumer price index for the relevant region, whichever is higher.

37 9. The authority, in consultation with the department of corrections
38 and community supervision, shall include requirements that to be eligi-
39 ble for receiving funds over fifty thousand dollars under this program,
40 all work done in the procurement and installation of non-fossil fuel
41 heating and cooling systems on state-owned properties or in properties
42 that receive subsidies from the state shall, to the greatest extent
43 possible, provide training and hiring of formerly-incarcerated individ-
44 uals.

45 10. (a) Nothing in this program shall alter the rights or benefits,
46 privileges, including but not limited to terms and conditions of employ-
47 ment, civil service status, and collective bargaining unit membership,
48 of any current employees of the authority.

49 (b) Nothing in this program shall result in: (i) the discharge,
50 displacement, or loss of position, including partial displacement such
51 as a reduction in hours of non-overtime work, wages, or employment bene-
52 fits; (ii) the impairment of existing collective bargaining agreements;
53 or (iii) the transfer of existing duties and functions.

54 11. The authority shall ensure that the bucks for boilers program does
55 not enable landlords to shift energy costs to their tenants by requiring

1 tenants to pay for heating costs after electrification where such land-
2 lords had been paying tenants' heating costs prior to electrification.

3 12. The authority shall issue relevant guidance for providing funding
4 under this program, including but not limited to guidance on programs
5 offered by the authority which provide funding to assist with compliance
6 with changes in subdivisions seven and eight of section 11-104 of the
7 energy law made by the chapter of the laws of two thousand twenty-five
8 that added this section. The authority shall make such information
9 available by engaging and paying for large-scale advertising, mailings,
10 door-to-door canvassing, community outreach, programming in schools, and
11 anything else the authority deems necessary and reasonable to ensure the
12 public is fully aware and that a wide understanding that such programs
13 exist, including rights and responsibilities of landlords and tenants,
14 is achieved in the public in all regions and demographics of the state.

15 13. Using funds made available from the bucks for boilers fund as set
16 forth in section ninety-nine-ss of the state finance law, the authority
17 shall administer a program to provide grants, loans or other services,
18 based on standards and guidelines established by the authority, for the
19 costs related to enabling fuel-switching for residences with propane or
20 fuel-oil heating systems to efficient electric heat pumps, including but
21 not limited to, clean energy measures, energy efficiency measures, resi-
22 liency measures, heating and cooling, health and safety, and other
23 related energy improvements and expenses, as well as to ensure such
24 housing is in a state of good repair.

25 § 3. Section 1854 of the public authorities law is amended by adding a
26 new subdivision 27 to read as follows:

27 27. All revenues generated pursuant to regulations or actions taken by
28 the department of public service, the authority or any other state enti-
29 ty, pursuant to section eighteen hundred eighty-five of this title,
30 shall be placed into a segregated authority funding account, established
31 pursuant to section eighteen hundred sixty-a of this title, prior to
32 programmatic or administrative allocation, and shall not be commingled
33 with other authority funds. Within thirty days following receipt of
34 revenues generated pursuant to regulations or actions pursuant to
35 section eighteen hundred eighty-five of this title, the authority shall
36 transfer from such segregated authority funding account to the bucks for
37 boilers fund established pursuant to section ninety-nine-ss of the state
38 finance law.

39 § 4. The state finance law is amended by adding a new section 99-ss to
40 read as follows:

41 § 99-ss. Bucks for boilers fund. 1. There is hereby established in the
42 joint custody of the commissioner of taxation and finance and the state
43 comptroller a special fund to be known as the "bucks for boilers fund".

44 2. (a) The bucks for boilers fund shall consist of moneys received by
45 the state pursuant to subdivision twenty-seven of section eighteen
46 hundred fifty-four of the public authorities law, and all other moneys
47 appropriated, credited, or transferred thereto from any other fund or
48 source pursuant to law including the annual deposit of four billion
49 dollars by the president of the New York state energy research and
50 development authority. Moneys of the account shall be expended for the
51 purposes of providing up-front financial assistance to residential
52 building owners and renters to convert their existing space or water
53 heating equipment to energy efficient zero-emissions equipment or build-
54 ing systems and energy efficiency and resiliency measures including but
55 not limited to: (i) purposes which are consistent with the scoping plan
56 prepared pursuant to section 75-0103 of the environmental conservation

1 law; (ii) measures which prioritize such conversions and measures in
2 disadvantaged communities; (iii) measures which prioritize residential
3 buildings on delivered fuels such as propane and heating oil; (iv)
4 financial assistance for the cost of upgrading dilapidated housing to a
5 state of good repair; (v) removal of fossil fuel combustion equipment
6 and building systems; and (vi) administrative and implementation costs,
7 program design, and other associated costs.

8 (b) Moneys of such account shall not be expended for the purposes of:
9 (i) providing financial assistance to residential building owners or
10 renters to convert their existing space or water heating equipment to
11 electric resistance or biofuel equipment; (ii) the installation or
12 purchase of carbon capture technologies or equipment; or (iii) the
13 installation or purchase of energy efficient gas boilers.

14 3. Moneys in the bucks for boilers fund shall be kept separate from
15 and shall not be commingled with any other moneys in the custody of the
16 comptroller or the commissioner of taxation and finance. Provided,
17 however, that any moneys of the fund not required for immediate use may,
18 at the discretion of the comptroller, in consultation with the director
19 of the division of the budget, be invested by the comptroller in obli-
20 gations of the United States or of the state. The proceeds of any such
21 investment shall be retained by the fund as assets to be used for
22 purposes of the fund.

23 § 5. Subdivision 6 of section 11-104 of the energy law is amended by
24 adding a new paragraph (c) to read as follows:

25 (c) In addition to paragraphs (a) and (b) of this subdivision, to
26 support the goal of zero on-site greenhouse gas emissions and help
27 achieve the state's clean energy and climate agenda, including but not
28 limited to greenhouse gas reduction requirements set forth within chap-
29 ter one hundred six of the laws of two thousand nineteen, also known as
30 the New York state climate leadership and community protection act, the
31 code shall prohibit prohibited emissions, in any existing building not
32 more than seven stories in height, except for existing commercial or
33 industrial buildings greater than one hundred thousand square feet in
34 conditioned floor area, on or after December thirty-first, two thousand
35 twenty-nine, and the code shall prohibit prohibited emissions, in all
36 existing buildings after December thirty-first, two thousand thirty-
37 four.

38 § 6. Paragraph (b) of subdivision 7 of section 11-104 of the energy
39 law, as added by section 1 of part RR of chapter 56 of the laws of 2023,
40 is amended and a new paragraph (a-1) is added to read as follows:

41 (a-1) The provisions set forth in paragraph (c) of subdivision six of
42 this section shall not be construed as prohibiting the continued use and
43 maintenance of fossil-fuel equipment and building systems, including as
44 related to cooking equipment, installed prior to the effective date of
45 the applicable prohibition.

46 (b) In addition, in effectuating the provisions set forth in [~~para-~~
47 ~~graph~~] paragraphs (b) and (c) of subdivision six of this section the
48 code shall include exemptions for the purposes of allowing prohibited
49 emissions and the installation and use of fossil-fuel equipment and
50 building systems where such are installed and used:

51 (i) for generation of emergency back-up power and standby power
52 systems;

53 (ii) in a manufactured home as defined in subdivision seven of section
54 six hundred one of the executive law; or

55 (iii) in a building or part of a building that is used as a manufac-
56 turing facility, commercial food establishment, laboratory, car wash,

1 laundromat, hospital, other medical facility, critical infrastructure,
2 including but not limited to emergency management facilities, wastewater
3 treatment facilities, and water treatment and pumping facilities, agri-
4 cultural building, fuel cell system, or crematorium, as such terms are
5 defined by the code council.

6 § 7. Subdivision 8 of section 11-104 of the energy law is amended by
7 adding a new paragraph (c) to read as follows:

8 (c) "Prohibited emissions" shall mean the emission of twenty-five
9 kilograms or more of carbon dioxide per million British thermal units of
10 energy, as determined by the United States energy information adminis-
11 tration, provided however, the emission of twenty-five kilograms or more
12 of carbon dioxide per million British thermal units of energy or more
13 shall not mean "prohibited emissions" where such emissions occur in
14 connection with a device that contains no connection to a building's gas
15 supply line or fuel oil piping system, is used on an intermittent basis,
16 and is not used to supply a building with heat or hot water.

17 § 8. Paragraphs c and e of subdivision 19 of section 378 of the execu-
18 tive law, as added by section 3 of part RR of chapter 56 of the laws of
19 2023, are amended and two new paragraphs a-1 and b-1 are added to read
20 as follows:

21 a-1. To support the goal of zero on-site gas emissions and help
22 achieve the state's clean energy and climate agenda, including but not
23 limited to greenhouse gas reduction requirements set forth within chap-
24 ter one hundred six of the laws of two thousand nineteen, also known as
25 the New York state climate leadership and community protection act, the
26 uniform code shall prohibit prohibited emissions, in any existing build-
27 ing not more than seven stories in height, except for existing commer-
28 cial or industrial buildings greater than one hundred thousand square
29 feet in conditioned floor area, on or after December thirty-first, two
30 thousand twenty-nine, and the uniform code shall prohibit prohibited
31 emissions, in all existing buildings on or after December thirty-first,
32 two thousand thirty-four.

33 b-1. The provisions set forth in paragraph a-1 of this subdivision
34 shall not be construed as prohibiting the continued use and maintenance
35 of fossil-fuel equipment and building systems, including as related to
36 cooking equipment, installed prior to the effective date of the applica-
37 ble prohibition.

38 c. In addition, in effectuating the provisions set forth in [~~para-~~
39 ~~graph~~] paragraphs a and a-1 of this subdivision the code shall include
40 exemptions for the purposes of allowing prohibited emissions and the
41 installation and use of fossil-fuel equipment and building systems where
42 such systems are installed and used:

43 (i) for generation of emergency back-up power and standby power
44 systems;

45 (ii) in a manufactured home as defined in subdivision seven of section
46 six hundred one of [~~the executive law~~] this chapter; or

47 (iii) in a building or part of a building that is used as a manufac-
48 turing facility, commercial food establishment, laboratory, car wash,
49 laundromat, hospital, other medical facility, critical infrastructure,
50 including but not limited to emergency management facilities, wastewater
51 treatment facilities, and water treatment and pumping facilities, agri-
52 cultural building, fuel cell system, or crematorium, as such terms are
53 defined by the code council.

54 e. Exemptions included in the uniform code pursuant to this subdivi-
55 sion shall be periodically reviewed by the code council to [~~assure~~
56 ensure] that they continue to effectuate the purposes of [~~paragraph~~]

1 paragraphs a and a-1 of this subdivision and subparagraph three of para-
2 graph b of subdivision two of section three hundred seventy-one of this
3 article to the fullest extent feasible.

4 § 9. Paragraph g of subdivision 19 of section 378 of the executive law
5 is amended by adding a new subparagraph (iii) to read as follows:

6 (iii) "Prohibited emissions" shall mean the emission of twenty-five
7 kilograms or more of carbon dioxide per million British thermal units of
8 energy, as determined by the United State energy information adminis-
9 tration, provided however, the emission of twenty-five kilograms or more
10 of carbon dioxide per million British thermal units of energy or more
11 shall not mean "prohibited emissions" where such emissions occur in
12 connection with a device that contains no connection to a building's gas
13 supply line or fuel oil piping system, is used on an intermittent basis,
14 and is not used to supply a building with heat or hot water.

15 § 10. Section 224-f of the labor law, as added by section 3 of part TT
16 of chapter 56 of the laws of 2023, is amended to read as follows:

17 § 224-f. Wage requirements for certain climate risk-related and energy
18 transition projects and bucks for boilers projects. 1. For purposes of
19 this section, a "covered climate risk-related and energy transition
20 project" means a construction project that receives at least one hundred
21 thousand dollars of funds from the New York climate action fund climate
22 investment account established pursuant to section ninety-nine-qq of the
23 state finance law and a "covered bucks for boilers project" means a
24 construction project that receives at least one hundred thousand dollars
25 of funds from the bucks for boilers fund established pursuant to section
26 ninety-nine-ss of the state finance law.

27 2. A covered climate risk-related and energy transition project and a
28 covered bucks for boilers project shall be subject to prevailing wage
29 requirements in accordance with sections two hundred twenty, two hundred
30 twenty-a, two hundred twenty-b, two hundred twenty-i, two hundred twen-
31 ty-three, and two hundred twenty-four-b of this article, provided that a
32 covered climate risk-related and energy transition project and a covered
33 bucks for boilers project may still otherwise be considered a covered
34 project pursuant to section two hundred twenty or two hundred twenty-
35 four-a of this article if it meets the definition therein.

36 3. For purposes of this section, a covered climate risk-related and
37 energy transition project and a covered bucks for boilers project shall
38 exclude:

39 a. Privately owned construction work performed under a pre-hire
40 collective bargaining agreement between an owner or developer and a bona
41 fide building and construction trades labor organization which has
42 established itself, and/or its affiliates, as the collective bargaining
43 representative for all persons who will perform work on such a project,
44 and which provides that only contractors and subcontractors who sign a
45 pre-negotiated agreement with the labor organization can perform work on
46 such a project; or

47 b. Construction work on one- or two-family dwellings where the proper-
48 ty is the owner's primary residence, or construction work performed on
49 property where the owner of the property owns no more than four dwelling
50 units; or

51 c. Construction work performed on a multiple residence and/or ancil-
52 lary amenities or installations that is wholly privately owned in any of
53 the following circumstances:

54 (i) where no less than twenty-five percent of the residential units
55 are affordable and shall be retained subject to an anticipated regulato-
56 ry agreement with a local, state, or federal governmental entity, or a

1 not-for-profit entity with an anticipated formal agreement with a local,
2 state, or federal governmental entity for purposes of providing afforda-
3 ble housing in a given locality or region provided that the period of
4 affordability for a residential unit deemed affordable under the
5 provisions of this paragraph shall be for no less than fifteen years
6 from the date of construction; or

7 (ii) where no less than thirty-five percent of the residential units
8 involves the provision of supportive housing services for vulnerable
9 populations provided that such units are subject to an anticipated regu-
10 latory agreement with a local, state, or federal governmental entity.

11 4. As a condition of receiving funds from the New York climate action
12 fund climate investment account established pursuant to section ninety-
13 nine-qq of the state finance law for a covered climate risk-related and
14 energy transition project or the bucks for boilers fund established
15 pursuant to section ninety-nine-ss of the state finance law for a
16 covered bucks for boilers project, the owner or developer of such
17 covered climate risk-related and energy transition project or covered
18 bucks for boilers project, or a third party acting on such owner's or
19 developer's behalf, shall agree to enter into a labor peace agreement
20 with at least one bona fide labor organization either:

21 a. where such bona fide labor organization is actively representing
22 non-construction employees who will be working within the covered
23 climate risk-related and energy transition project or covered bucks for
24 boilers project once built; or

25 b. upon notice by a bona fide labor organization that is attempting to
26 represent such non-construction employees.

27 5. For purposes of this section "labor peace agreement" means an
28 agreement between an owner and/or developer and labor organization that,
29 at a minimum, protects the state's proprietary interests by prohibiting
30 labor organizations and members from engaging in picketing, work stop-
31 pages, boycotts, and any other economic interference.

32 6. The owner or developer using funds from the New York climate action
33 fund climate investment account established pursuant to section ninety-
34 nine-qq of the state finance law for a covered climate risk-related and
35 energy transition project or the bucks for boilers fund established
36 pursuant to section ninety-nine-ss of the state finance law for a
37 covered bucks for boilers project pursuant to this section shall:

38 a. require the use of apprenticeship agreements as defined by article
39 twenty-three of this chapter; or for industries without apprenticeship
40 programs, require the use of workforce training, preferably in conjunc-
41 tion with a bona fide labor organization; and

42 b. consider use of registered pre-apprenticeship direct entry programs
43 for the recruitment of local and/or disadvantaged workers.

44 7. For purposes of this section, the "fiscal officer" shall be deemed
45 to be the commissioner. The enforcement of any covered climate risk-re-
46 lated and energy transition project or covered bucks for boilers project
47 under this section shall be subject to the requirements of sections two
48 hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred
49 twenty-i, two hundred twenty-three, two hundred twenty-four-b of this
50 article, and section two hundred twenty-seven of this chapter and within
51 the jurisdiction of the fiscal officer; provided, however, nothing
52 contained in this section shall be deemed to construe any covered
53 climate risk-related and energy transition project or covered bucks for
54 boilers project as otherwise being considered public work pursuant to
55 this article.

1 8. The fiscal officer may issue rules and regulations governing the
2 provisions of this section. Violations of this section shall be grounds
3 for determinations and orders pursuant to section two hundred twenty-b
4 of this article.

5 9. For any building service work on a covered climate risk-related and
6 energy transition project or covered bucks for boilers project, prevail-
7 ing wage shall be paid consistent with article nine of this chapter.

8 10. Any public entity receiving at least five million dollars in funds
9 from the New York climate action fund climate investment account estab-
10 lished pursuant to section ninety-nine-qq of the state finance law or
11 the bucks for boilers fund established pursuant to section ninety-nine-
12 ss of the state finance law for a project which involves the
13 construction, reconstruction, alteration, maintenance, moving, demoli-
14 tion, excavation, development or other improvement of any building,
15 structure or land, shall be subject to section two hundred twenty-two of
16 this article.

17 § 11. Subdivision (a) of section 10-b of section 4 of chapter 576 of
18 the laws of 1974, constituting the emergency tenant protection act of
19 nineteen seventy-four, is amended by adding a new paragraph 14 to read
20 as follows:

21 14. (i) prohibit temporary major capital improvement increases and
22 individual apartment improvement increases for buildings undertaking
23 energy efficiency, boiler, furnace, stove replacements, electrical
24 panel, electrical wiring or related work pursuant to the bucks for boil-
25 ers program established pursuant to section eighteen hundred eighty-five
26 of the public authorities law; and

27 (ii) require the extension of the lease of tenants for no less than
28 five years following the completion of work under such program.

29 § 12. This act shall take effect immediately.