

# STATE OF NEW YORK

6843

2021-2022 Regular Sessions

## IN SENATE

May 19, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to enacting the "all-electric building act of 2021"

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 of 2021".

3 § 2. The executive law is amended by adding a new section 382-c to  
4 read as follows:

5 § 382-c. All-electric buildings. 1. As used in this section:

6 a. "All-electric building or project" shall mean a building or project  
7 that uses a permanent supply of electricity as the sole source of energy  
8 to meet building energy needs. An all-electric building or project shall  
9 have no natural gas, propane, or oil heaters, boilers, piping systems,  
10 fixtures or infrastructure installed to meet building energy needs.

11 b. "Building energy needs" shall mean all space conditioning including  
12 heating and cooling, water heating including pools and spas, cooking  
13 appliances and clothes drying appliances.

14 c. "All-electric ready" shall mean a building, project, or portion  
15 thereof that contains electrical systems and designs that provide suffi-  
16 cient capacity for a future retrofit of a mixed-fuel building to an  
17 all-electric building, including sufficient space, drainage, electrical  
18 conductors or raceways, bus bar capacity, and overcurrent protective  
19 devices for such retrofit. The department of state shall promulgate  
20 guidelines for an electric-ready building on or before January first,  
21 two thousand twenty-three.

22 d. "Mixed-fuel building" shall mean a building that uses a combination  
23 of electricity and natural gas, propane, or oil to meet building energy  
24 needs. For the purposes of this section, "mixed-fuel building" shall

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

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1 not include buildings that use geothermal or solar energy to meet heat-  
2 ing and/or cooling building energy needs but are otherwise all-electric  
3 buildings.

4 e. "Mixed-use building" shall mean a building used for both residen-  
5 tial and commercial purposes.

6 2. a. No city, town or village shall issue a permit for the  
7 construction of any new commercial, residential, or mixed-use building  
8 that is not an all-electric building if the initial application for such  
9 permit was submitted on or after January, first, two thousand twenty-  
10 four, unless the circumstances set forth in paragraph b of this subdivi-  
11 sion apply. For purposes of this subdivision, the initial application  
12 shall be the first site or building permit application associated with  
13 the building or project.

14 b. Notwithstanding the provisions of paragraph a of this subdivision,  
15 a city, town, or village may issue a permit for construction of a new  
16 mixed-fuel building in the following circumstances:

17 (i) Upon the finding by the permitting body of the city, town, or  
18 village that constructing an all-electric building or project is phys-  
19 ically or technically infeasible and that a modification is warranted.  
20 Financial considerations shall not be a sufficient basis to determine  
21 physical or technical infeasibility. Modifications shall only be issued  
22 under this exception where the local permitting body finds that:

23 A. sufficient evidence was submitted to substantiate the infeasibility  
24 of an all-electric building or project design;

25 B. the installation of natural gas or oil piping systems, fixtures  
26 and/or infrastructure is strictly limited to the system and area of the  
27 building for which all-electric building or project design is infeas-  
28 ible;

29 C. the area or service within the project where gas or oil piping  
30 systems, fixtures and/or infrastructure are installed is as all-electric  
31 ready as feasibly possible considering other provisions of the building  
32 and electrical codes; and

33 D. the project's modified design provides equivalent health, safety  
34 and fire-protection to all-electric building or project design; or

35 (ii) The local permitting body may issue a permit for a new mixed-fuel  
36 building that includes an area specifically designated for occupancy by  
37 a commercial food service establishment that is a mixed-fuel building  
38 solely because it provides gas piping systems, fixtures and/or infras-  
39 tructure exclusively for cooking equipment within the designated commer-  
40 cial food service area.

41 3. No local permitting body shall issue building or construction  
42 permits that would convert an all-electric building or project into a  
43 mixed-fuel building where the initial application was submitted after  
44 January first, two thousand twenty-three.

45 § 3. This act shall take effect immediately.