

# STATE OF NEW YORK

8431

2021-2022 Regular Sessions

## IN ASSEMBLY

November 17, 2021

Introduced by M. of A. GALLAGHER -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the "all-e-  
lectric building act"

The People of the State of New York, represented in Senate and Assem-  
bly, 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. 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  
25 not include buildings that use geothermal or solar energy to meet heat-

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

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1 ing and/or cooling building energy needs but are otherwise all-electric  
2 buildings.

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

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

13 b. Notwithstanding the provisions of paragraph a of this subdivision,  
14 a city, town, or village may issue a permit for construction of a new  
15 mixed-fuel building upon a finding by the permitting body of such city,  
16 town, or village that constructing an all-electric building or project  
17 is physically or technically infeasible and that a modification is  
18 warranted. Financial considerations shall not be a sufficient basis to  
19 determine physical or technical infeasibility. Modifications shall only  
20 be issued under this exception where the permitting body finds that:

21 (i) sufficient evidence was submitted to substantiate the infeasibil-  
22 ity of an all-electric building or project design. Such evidence must  
23 show that the building either:

24 A. cannot satisfy necessary building code requirements without the  
25 usage of gas or oil piping systems, fixtures and/or infrastructure; or

26 B. if the building is specifically designated for occupancy by a  
27 commercial food service establishment, that such establishment cannot  
28 feasibly operate using commercially available all-electric appliances;

29 (ii) the installation of natural gas or oil piping systems, fixtures  
30 and/or infrastructure is strictly limited to the system and area of the  
31 building for which all-electric building or project design is infeasible;  
32 and

33 (iii) the area or service within the project where gas or oil piping  
34 systems, fixtures and/or infrastructure are installed is all-electric  
35 ready; and

36 (iv) the project's modified design provides equivalent health, safety  
37 and fire-protection to all-electric building or project design.

38 3. No local permitting body shall issue building or construction  
39 permits that would convert an all-electric building or project into a  
40 mixed-fuel building where the initial application was submitted after  
41 December thirty-first, two thousand twenty-two.

42 4. On or before February first, two thousand twenty-three, the depart-  
43 ment of public service, the division of housing and community renewal,  
44 the department of state, and the energy research and development author-  
45 ity shall report jointly to the governor, the temporary president of the  
46 senate, the minority leader of the senate, the speaker of the assembly,  
47 and the minority leader of the assembly, regarding what changes to elec-  
48 tric rate designs, new or existing subsidy programs, policies, or laws  
49 are necessary to ensure this section does not diminish the production of  
50 affordable housing or the affordability of electricity for customers in  
51 all-electric buildings. For the purpose of this subdivision, "affordability of electricity" shall mean that electricity does not cost more  
52 than six percent of a residential customer's income.

53 § 3. This act shall take effect immediately.  
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