STATE OF NEW YORK

8431--B

2021-2022 Regular Sessions

IN ASSEMBLY

November 17, 2021

Introduced by M. of A. GALLAGHER, SIMON, CARROLL, EPSTEIN, DINOWITZ, L. ROSENTHAL, SEAWRIGHT, MAMDANI, GOTTFRIED, GLICK, STECK, GONZALEZ-ROJAS, REYES, JACKSON, KIM, MITAYNES, NIOU, COLTON, BURDICK, FORREST, KELLES, GALEF, BURGOS, CRUZ, RAMOS, BICHOTTE HERMELYN, FAHY, ANDERSON, FRONTUS, STIRPE, BURKE, QUART, ENGLEBRIGHT, PAULIN, MEEKS, DILAN, ABINANTI, GIBBS, DICKENS, DAVILA, HEVESI, FERNANDEZ, CLARK, J. RIVERA, OTIS -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

Section 1. Short title. This act shall be known and may be cited as the "all-electric building act".

§ 2. Section 11-102 of the energy law is amended by adding a new subdivision 16 to read as follows:

16. "All-electric ready." A building, project, or portion thereof that contains electrical systems and designs that provide sufficient capacity for a future retrofit of a mixed-fuel building to an all-electric building, including sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such retrofit. The state fire prevention and building code council shall promulgate guidelines for an electric-ready building on or before January first, two thousand twenty-three.

§ 3. Section 11-104 of the energy law is amended by adding 3 new subdivisions 6, 7 and 8 to read as follows:

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

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6. To support the goal of zero on-site greenhouse gas emissions and help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, the code shall prohibit infrastructure, building systems, or equipment used for the combustion of fossil fuels in new construction statewide no later than December thirty-first, two thousand twenty-three if the building is less than seven stories and July first, two thousand twenty-seven if the building is seven stories or more.

7. Notwithstanding the provisions of subdivision six of this section, the state fire prevention and building code council may exempt systems for emergency back-up power, or buildings specifically designated for occupancy by a commercial food establishment, laboratory, laundromat, hospital, or crematorium, but in doing so shall seek to minimize emissions and maximize health, safety, and fire-protection. In such cases, the code shall limit the infrastructure, building systems, or equipment used for the combustion of fossil fuels to the system and area of a building for which a prohibition on infrastructure, building systems, or equipment used for the combustion of fossil fuels is infeasible. To the fullest extent feasible, the code shall require that the area or service within the project where infrastructure, building systems, or equipment used for the combustion of fossil fuels are installed shall be all-electric ready. Financial considerations shall not be sufficient basis to determine physical or technical infeasibility. Exemptions or waivers provided under this subdivision shall be reviewed during each major code update cycle to determine whether they are still needed.

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

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

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

§ 5. This act shall take effect immediately.