STATE OF NEW YORK

8398

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

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

AN ACT to amend the energy law and the executive law, in relation to creating a religious exemption to the ban on fossil fuel equipment and systems

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (b) of subdivision 7 of section 11-104 of the energy law, as added by section 1 of part RR of chapter 56 of the laws of 2023, is amended to read as follows:

(b) In addition, in effectuating the provisions set forth in paragraph (b) of subdivision six of this section the code shall include exemptions for the purposes of allowing the installation and use of fossil-fuel equipment and building systems where such are installed and used:

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

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

(iii) in a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, car wash, laundromat, hospital, other medical facility, critical infrastructure, including but not limited to emergency management facilities, wastewater treatment facilities, and water treatment and pumping facilities, agricultural building, fuel cell system, or crematorium, as such terms are defined by the code council**; or**

(iv) in a building or part of a building that is owned or occupied by a person who holds genuine and sincere religious beliefs and whose health and safety will be jeopardized due to the prohibition of the installation of fossil-fuel equipment and building systems because of such genuine and sincere religious beliefs.

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

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

c. In addition, in effectuating the provisions set forth in paragraph a of this subdivision the code shall include exemptions for the purposes of allowing the installation and use of fossil-fuel equipment and building systems where such systems are installed and used:

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

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

(iii) in a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, car wash, laundromat, hospital, other medical facility, critical infrastructure, including but not limited to emergency management facilities, wastewater treatment facilities, and water treatment and pumping facilities, agricultural building, fuel cell system, or crematorium, as such terms are defined by the code council**; or**

(iv) in a building or part of a building that is owned or occupied by a person who holds genuine and sincere religious beliefs and whose health and safety will be jeopardized due to the prohibition of the installation of fossil-fuel equipment and building systems because of such genuine and sincere religious beliefs.

§ 3. This act shall take effect immediately.