

STATE OF NEW YORK

920

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. GALLAGHER, FAHY, STIRPE, KELLES, BURGOS, ANDERSON, BICHOTTE HERMELYN, BRONSON, BURDICK, BURKE, CARROLL, CLARK, COLTON, CRUZ, CUNNINGHAM, DAVILA, DE LOS SANTOS, DICKENS, DILAN, DINOWITZ, EPSTEIN, FORREST, GIBBS, GLICK, GONZALEZ-ROJAS, HEVESI, JACKSON, JACOBSON, KIM, MAMDANI, MEEKS, MITAYNES, OTIS, PAULIN, PRETLOW, RAMOS, REYES, RIVERA, L. ROSENTHAL, SAYEGH, SEAWRIGHT, SIMON, STECK, TAYLOR, WALKER -- read once and referred to the Committee on Energy

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:

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

3 § 2. Section 11-102 of the energy law is amended by adding a new
4 subdivision 17 to read as follows:

5 17. "All-electric ready." A building, project, or portion thereof that
6 contains electrical systems and designs that provide sufficient capacity
7 for a future retrofit of a mixed-fuel building to an all-electric build-
8 ing, including sufficient space, drainage, electrical conductors or
9 raceways, bus bar capacity, and overcurrent protective devices for such
10 retrofit. The state fire prevention and building code council shall
11 promulgate guidelines for an electric-ready building on or before Janu-
12 ary first, two thousand twenty-four.

13 § 3. Section 11-104 of the energy law is amended by adding three new
14 subdivisions 7, 8 and 9 to read as follows:

15 7. To support the goal of zero on-site greenhouse gas emissions and
16 help achieve the state's clean energy and climate agenda, including but
17 not limited to greenhouse gas reduction requirements set forth within
18 chapter one hundred six of the laws of two thousand nineteen, also known
19 as the New York state climate leadership and community protection act,

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

LBD00200-01-3

1 the code shall prohibit infrastructure, building systems, or equipment
2 used for the combustion of fossil fuels in new construction statewide no
3 later than December thirty-first, two thousand twenty-four if the build-
4 ing is less than seven stories and July first, two thousand twenty-eight
5 if the building is seven stories or more.

6 8. Notwithstanding the provisions of subdivision seven of this
7 section, the state fire prevention and building code council may exempt
8 systems for emergency back-up power, or buildings specifically desig-
9 nated for occupancy by a commercial food establishment, laboratory,
10 laundromat, hospital, or crematorium, but in doing so shall seek to
11 minimize emissions and maximize health, safety, and fire-protection. In
12 such cases, the code shall limit the infrastructure, building systems,
13 or equipment used for the combustion of fossil fuels to the system and
14 area of a building for which a prohibition on infrastructure, building
15 systems, or equipment used for the combustion of fossil fuels is infea-
16 sible. To the fullest extent feasible, the code shall require that the
17 area or service within the project where infrastructure, building
18 systems, or equipment used for the combustion of fossil fuels are
19 installed shall be all-electric ready. Financial considerations shall
20 not be sufficient basis to determine physical or technical infeasibil-
21 ity. Exemptions or waivers provided under this subdivision shall be
22 reviewed during each major code update cycle to determine whether they
23 are still needed.

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

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

29 § 11-111. Additional reporting. On or before February first, two
30 thousand twenty-four, the department of public service, the division of
31 housing and community renewal, the department of state, and the New York
32 state energy research and development authority shall report jointly to
33 the governor, the temporary president of the senate, the minority leader
34 of the senate, the speaker of the assembly, and the minority leader of
35 the assembly, regarding what changes to electric rate designs, new or
36 existing subsidy programs, policies, or laws are necessary to ensure
37 that subdivisions seven and eight of section 11-104 of this article do
38 not diminish the production of affordable housing or the affordability
39 of electricity for customers in all-electric buildings. For the purpose
40 of this subdivision, "affordability of electricity" shall mean that
41 electricity does not cost more than six percent of a residential custom-
42 er's income.

43 § 5. This act shall take effect immediately.