

# STATE OF NEW YORK

562--A

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sens. KAVANAGH, BRESLIN, BRISPORT, BROUK, CLEARE, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, 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:

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,  
20 the code shall prohibit infrastructure, building systems, or equipment

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

LBD00200-02-3

1 used for the combustion of fossil fuels in new construction statewide no  
2 later than December thirty-first, two thousand twenty-three if the  
3 building is less than seven stories and July first, two thousand twen-  
4 ty-seven if the building is seven stories or more.

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

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

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

28 § 11-111. Additional reporting. On or before February first, two  
29 thousand twenty-four, the department of public service, the division of  
30 housing and community renewal, the department of state, and the New York  
31 state energy research and development authority shall report jointly to  
32 the governor, the temporary president of the senate, the minority leader  
33 of the senate, the speaker of the assembly, and the minority leader of  
34 the assembly, regarding what changes to electric rate designs, new or  
35 existing subsidy programs, policies, or laws are necessary to ensure  
36 that subdivisions seven and eight of section 11-104 of this article do  
37 not diminish the production of affordable housing or the affordability  
38 of electricity for customers in all-electric buildings. For the purpose  
39 of this subdivision, "affordability of electricity" shall mean that  
40 electricity does not cost more than six percent of a residential custom-  
41 er's income.

42 § 5. This act shall take effect immediately.