

STATE OF NEW YORK

10530

IN ASSEMBLY

March 6, 2026

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

AN ACT to amend the public authorities law, in relation to enacting the
"statewide building energy disclosure 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 "statewide building energy disclosure act".

3 § 2. The public authorities law is amended by adding a new section
4 1886 to read as follows:

5 § 1886. Statewide building energy disclosure. 1. Definitions. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

8 (a) "Building" means any structure in the state that consumes energy.

9 (b) "Gross floor area" means the total floor area contained within a
10 building, as determined pursuant to guidance by the authority.

11 (c) "Large building" means any building with a gross floor area of
12 twenty thousand square feet or greater.

13 (d) "Covered building" means a large building included on the annual
14 covered buildings list.

15 (e) "Covered buildings list" means the list issued annually by the
16 authority pursuant to subdivision two of this section.

17 (f) "Building owner" means the person or entity listed on the covered
18 buildings list as the responsible owner of a building.

19 (g) "Energy usage" means:

20 (i) for utilities, the amount of energy delivered to a covered build-
21 ing during the prior calendar year.

22 (ii) for building owners, all energy used at a covered building other
23 than energy used under subparagraph (i) of this paragraph, including but
24 not limited to delivered fuels, onsite generation, and other non-metered
25 sources.

26 (h) "Utility" means any gas corporation or electric corporation, as
27 such terms are defined by section two of the public service law, or any

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

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1 district steam corporation, or municipal utility authorized to deliver
2 energy within the state.

3 (i) "Reporting entity" means any third party designated by a building
4 owner to submit required information.

5 (j) "Campus" means a grouping of multiple buildings on contiguous
6 parcels approved by the authority for combined reporting.

7 2. Covered buildings list. (a) The authority shall issue an annual
8 covered buildings list identifying each covered building, its street
9 address, approximate gross floor area, primary use type, building owner
10 and business address, and any other information the authority determines
11 necessary.

12 (b) The authority shall notify building owners of their inclusion in
13 the covered buildings list. Failure to receive such notice shall not
14 relieve an owner of compliance obligations under this section.

15 (c) Newly constructed buildings shall be included in the covered
16 buildings list beginning with the first reporting year following issu-
17 ance of a certificate of occupancy.

18 (d) A building owner may request that multiple buildings be designated
19 and reported as a campus, subject to approval by the authority.

20 3. Utility reporting. (a) The public service commission shall promul-
21 gate regulations requiring utilities to provide annual building level
22 energy usage data for all covered buildings to the authority. Such util-
23 ity data shall be provided in a format and schedule established by the
24 public service commission in consultation with the authority.

25 (b) The public service commission may require utilities to use stand-
26 ardized data formats or platforms for transmission of the information
27 reported pursuant to paragraph (a) of this subdivision.

28 4. Building owner reporting. (a) The department of environmental
29 conservation shall promulgate regulations requiring building owners to
30 report all non-utility energy usage for each covered building.

31 (b) Building owner data shall be submitted to the authority in a form
32 and manner established by the department of environmental conservation
33 in consultation with the authority.

34 (c) A building owner may designate a reporting entity or a designated
35 building owner to act on its behalf. Such designation shall not relieve
36 the owner of legal responsibility for compliance.

37 (d) If a lessee or occupant is responsible for any portion of energy
38 usage, the building owner may request such usage from the lessee or
39 occupant. The regulations promulgated pursuant to paragraph (a) of this
40 subdivision shall specify timelines and required documentation for such
41 requests.

42 5. Required data elements. (a) The public service commission and the
43 department of environmental conservation shall require that all data
44 submitted pursuant to subdivisions three and four of this section
45 include, at a minimum:

46 (i) annual energy consumption by fuel type and meter, expressed in
47 units appropriate to each energy source;

48 (ii) the type of energy provided or consumed, including electricity,
49 natural gas, district steam, fuel oil, propane, on site generation, or
50 any other energy source identified by regulation;

51 (iii) building characteristics necessary for accurate reporting and
52 disclosure, including gross floor area, primary use type, and occupancy
53 information; and

54 (iv) any additional data elements necessary to support emissions
55 calculations or to ensure data quality, as determined by the authority

1 in consultation with the public service commission and the department of
2 environmental conservation.

3 (b) The authority shall issue technical guidance specifying standard-
4 ized data definitions, units of measurement, and reporting formats.

5 6. Exemptions. (a) A building shall be exempt from reporting pursuant
6 to subdivision four of this section for any reporting year in which:

7 (i) it was vacant for the entire year;

8 (ii) it was demolished during such reporting year;

9 (iii) it was more than fifty percent vacant for such reporting year
10 due to circumstances beyond the control of the owner;

11 (iv) the owner is in bankruptcy or insolvency proceedings; or

12 (v) the department of environmental conservation determines that
13 special circumstances justify an exemption.

14 (b) The department of environmental conservation shall establish
15 procedures for requesting exemptions under this subdivision.

16 7. Disputes and corrections. (a) A building owner may dispute inclu-
17 sion on the covered buildings list or request corrections by submitting
18 evidence in a form established by the authority.

19 (b) Building owners may submit corrections to data provided by a util-
20 ity pursuant to subdivision three of this section to the authority
21 pursuant to procedures established by the department of environmental
22 conservation.

23 8. Public database and annual report. (a) The authority shall publish
24 an annual public database containing building level energy usage and
25 associated emissions calculations for each covered building. Such data-
26 base shall be searchable and sortable by municipality, zip code, build-
27 ing size, and use type, and shall include a map-based tool.

28 (b) The authority shall publish an annual report summarizing statewide
29 energy usage and emissions trends from covered buildings.

30 (c) No personally identifiable information relating to individuals
31 shall be published as part of the database under paragraph (a) of this
32 subdivision or the report under paragraph (b) of this subdivision,
33 except that an owner's or designee's name and business address may be
34 included.

35 9. Enforcement. (a) The public service commission shall enforce utili-
36 ty reporting obligations established under its regulations pursuant to
37 this section. Penalties for noncompliance shall be set by regulation and
38 may include daily fines.

39 (b) The department of environmental conservation shall enforce build-
40 ing owner reporting obligations established under its regulations pursu-
41 ant to this section. Penalties for noncompliance shall be set by regu-
42 lation and may include daily fines.

43 (c) The department of environmental conservation shall establish
44 penalties for lessees that fail to provide requested data when required
45 under regulation pursuant to this section.

46 (d) A building owner shall not pass any penalty assessed under this
47 section through to a lessee occupying less than five percent of the
48 building's gross floor area.

49 10. Inspection and audits. The department of environmental conserva-
50 tion may audit or inspect information submitted under this section and
51 may require supporting documentation for a period of five years follow-
52 ing any reporting year. The authority shall provide necessary data
53 access and cooperation to the department of environmental conservation.

54 11. Coordination with existing municipal benchmarking laws. (a) A
55 building owner shall be deemed in compliance with the reporting require-
56 ments of this section for any covered building located in a municipality

1 that has adopted a local benchmarking law that requires annual energy
2 usage reporting and public disclosure, provided that:

3 (i) such building owner has submitted all required information to the
4 local jurisdiction in the form and manner required by such jurisdiction;
5 and

6 (ii) the authority has determined that such local benchmarking law is
7 at least as comprehensive as the requirements of this section with
8 respect to data elements, building coverage, and frequency of reporting.

9 (b) The authority, in consultation with the department of environ-
10 mental conservation and the public service commission, shall identify
11 municipalities with approved local benchmarking laws and shall publish a
12 list of such municipalities on its website. A municipality may request
13 approval by submitting its local law and reporting procedures to the
14 authority.

15 (c) For a covered building located in a municipality with an approved
16 local benchmarking law, a building owner may satisfy the reporting obli-
17 gations of this section by providing the authority with a certificate of
18 compliance or equivalent documentation issued by the local jurisdiction,
19 or by authorizing the local jurisdiction to transmit required data
20 directly to the authority.

21 (d) The authority may enter into written agreements with local juris-
22 dictions for the purpose of receiving data submissions, coordinating
23 data standards, aligning reporting deadlines, and avoiding duplication
24 of reporting requirements. Such agreements may include procedures for
25 data sharing, data quality control, and resolution of discrepancies.

26 (e) Nothing in this subdivision shall prevent the department of envi-
27 ronmental conservation or the public service commission from enforcing
28 compliance with their respective regulations if a building owner fails
29 to comply with the local benchmarking law or fails to provide documenta-
30 tion sufficient to demonstrate compliance.

31 12. Rulemaking. (a) The public service commission and the department
32 of environmental conservation shall be authorized to promulgate any
33 rules or regulations necessary to implement the provisions of this
34 section.

35 (b) The authority may issue technical guidance, data standards, and
36 supplemental materials to support implementation of the provisions of
37 this section.

38 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
39 sion, or section of this act shall be adjudged by any court of competent
40 jurisdiction to be invalid, such judgment shall not affect, impair, or
41 invalidate the remainder thereof, but shall be confined in its operation
42 to the clause, sentence, paragraph, subdivision, or section thereof
43 directly involved in the controversy in which such judgment shall have
44 been rendered. It is hereby declared to be the intent of the legislature
45 that this act would have been enacted even if such invalid provisions
46 had not been included herein.

47 § 4. This act shall take effect immediately.