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 Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "statewide building energy disclosure act".

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

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

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

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

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

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

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

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

(g) "Energy usage" means:

(i) for utilities, the amount of energy delivered to a covered building during the prior calendar year.

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

(h) "Utility" means any gas corporation or electric corporation, as 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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district steam corporation, or municipal utility authorized to deliver energy within the state.

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

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

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

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

(c) Newly constructed buildings shall be included in the covered buildings list beginning with the first reporting year following issuance of a certificate of occupancy.

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

3. Utility reporting. (a) The public service commission shall promulgate regulations requiring utilities to provide annual building level energy usage data for all covered buildings to the authority. Such utility data shall be provided in a format and schedule established by the public service commission in consultation with the authority.

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

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

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

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

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

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

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

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

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

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

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

(b) The authority shall issue technical guidance specifying standardized data definitions, units of measurement, and reporting formats.

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

(i) it was vacant for the entire year;

(ii) it was demolished during such reporting year;

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

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

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

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

7. Disputes and corrections. (a) A building owner may dispute inclusion on the covered buildings list or request corrections by submitting evidence in a form established by the authority.

(b) Building owners may submit corrections to data provided by a utility pursuant to subdivision three of this section to the authority pursuant to procedures established by the department of environmental conservation.

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

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

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

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

(b) The department of environmental conservation shall enforce building owner reporting obligations established under its regulations pursuant to this section. Penalties for noncompliance shall be set by regulation and may include daily fines.

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

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

10. Inspection and audits. The department of environmental conservation may audit or inspect information submitted under this section and may require supporting documentation for a period of five years following any reporting year. The authority shall provide necessary data access and cooperation to the department of environmental conservation.

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

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

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

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

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

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

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

(e) Nothing in this subdivision shall prevent the department of environmental conservation or the public service commission from enforcing compliance with their respective regulations if a building owner fails to comply with the local benchmarking law or fails to provide documentation sufficient to demonstrate compliance.

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

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

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

§ 4. This act shall take effect immediately.