STATE OF NEW YORK

8456--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 16, 2025

Introduced by M. of A. KELLES, GALLAGHER -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to enacting the "low-carbon building construction 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 "low-carbon building construction act".

§ 2. The executive law is amended by adding a new section 382-c to read as follows:

§ 382-c. Low-carbon building construction. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "covered products" means:

(i) structural concrete products, including ready mix, shotcrete, precast, and concrete masonry units;

(ii) reinforcing steel products, including rebar and post tensioning tendons;

(iii) structural steel products, including hot rolled sections, hollow sections, plate, open-web steel joists, and metal deck;

(iv) engineered wood products including mass timber products such as laminated veneer lumber, parallel strand lumber, cross-laminated timber, dowel laminated timber, nail laminated timber, glulam laminated timber, glulam beams and columns, and structural sawn lumber; and

(v) other materials the department designates by rule and reviews every three years;

(b) "design professional of record" means a licensed architect or engineer;

(c) "embodied carbon emissions" means the amount of greenhouse gas emissions associated with the extraction, manufacturing, transport, installation, maintenance, and disposal of construction products throughout the product's life;

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

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(d) "global warming potential" means the potential climate change impact of a product or process as measured by a life-cycle assessment. It is the metric for tracking embodied carbon emissions and is reported in units of carbon dioxide equivalent;

(e) "product and facility-specific environmental product declarations" means a type III environmental product declaration, as defined by the international organization for standardization standard 14025, representing a single product from a single manufacturing facility; and

(f) "whole building life-cycle assessments" means a cradle to grave assessment covering life-cycle stages A-C as defined by the international organization for standardization standard 21931-1, excluding modules B6 and B7, or similarly robust whole building life-cycle assessment methods or whole life carbon assessment standards that evaluate the environmental impacts of a building including, at a minimum, global warming potential.

2. The code shall require construction of any building, addition, or renovation greater than twenty-five thousand square feet to meet at least one of the following standards intended to reduce the embodied carbon emissions associated with the construction.

(a) Construction of a building may comply with the requirements of this section by maintaining and reusing at least forty-five percent of an existing structure and/or envelope if the building does not exceed the square footage of the existing structure by more than fifty percent. The code or rules adopted by the department shall specify how the percentage of an existing structure maintained and reused shall be calculated, such as by cost, mass, area, volume, and/or other suitable metrics.

(b) Construction of a building, addition, or renovation may comply with the requirements of this section by demonstrating, and requiring in the construction documents, that the life-cycle stage A1 through A3 embodied carbon emissions of the covered products used, measured in terms of global warming potential for each covered product and summed up at the project level, achieves the reduction in embodied carbon emissions set forth in subdivision three of this section when compared to the project's summed industry average global warming potential. Building projects shall use project-specific material quantities and product and facility-specific environmental product declarations to demonstrate compliance. The code or rules adopted by the department shall specify how covered materials shall be calculated, such as by cost, mass, volume, and/or other suitable metrics, and shall establish how industry averages shall be determined.

(c) Construction of a building, addition, or renovation may comply with the requirements of this section by demonstrating through a whole building life-cycle assessment that the project achieves the reduction in embodied carbon emissions set forth in subdivision three of this section when compared against a reference building that is functionally equivalent in size, geographic location, function, and thermal performance. The materials and material quantities in the proposed building and the reference building may vary, provided that the buildings are functionally equivalent.

3. The code shall require that to be in compliance with this section pursuant to paragraph (b) or (c) of subdivision two of this section, construction projects commenced on or after January first, two thousand thirty and on or before December thirty-first, two thousand thirty-two shall achieve a fifteen percent reduction in embodied carbon emissions from a project-wide static baseline using the carbon leadership forum

2030 materials baselines or comparable industry data sources specified in the code or by rules adopted by the department, and construction projects commenced on or after January first, two thousand thirty-three shall achieve a thirty percent reduction in embodied carbon emissions from such project-wide static baseline.

4. (a) The design professional of record responsible for the embodied carbon calculations and reporting for any construction project subject to the requirements of this section shall be specified in the architect of record construction documents. The design professional of record shall stamp an attestation that the designed building complies with the code requirements and any rules adopted by the department pursuant to this section. The attestation shall be submitted along with the permit and documents showing compliance.

(b) For a building to be in compliance with this section pursuant to paragraph (b) of subdivision two of this section, the design professional of record shall update quantity and embodied carbon emissions calculations based on product and facility-specific environmental product declarations from procured products and attest that they are accurate and comply with the construction document requirements to the best of the design professional's knowledge. These calculations shall be verified as accurate within the industry standard of care with a letter stamped by a design professional of record.

(c) For any construction project subject to the requirements of this section, the department shall provide a worksheet to be completed by project teams for consistent reporting.

(d) The design professional of record shall enter all embodied carbon emissions reduction data on a standard form and public database created and maintained by the department. At a minimum, the database shall indicate whether the compliance pathway under paragraph (a), (b), or (c) of subdivision two of this section was selected, and shall include basic information about the project, project area, the reporting worksheet, and how the project met the standards for the selected pathway.

(e) The department shall develop a public-facing website with educational resources to support implementation. The website shall:

(i) detail the embodied carbon emissions reduction requirements in the code;

(ii) outline reporting requirements and guidelines;

(iii) provide instructions for the use of the database;

(iv) provide guidance for whole building life-cycle assessments;

(v) provide checklists, templates, and training to support implementation; and

(vi) provide a list of software that may be used to support compliance pursuant to paragraph (c) of subdivision two of this section.

(f) The department shall conduct random audits on three percent of projects subject to the requirements of this section annually, and shall make audit results public.

5. The department shall report to the governor and the legislature a baseline assessment of global warming potential of building construction as defined by this section by December thirty-first, two thousand twenty-nine, and progress towards achieving reductions in annual global warming potential of building construction by December thirty-first, two thousand thirty-two, and every three years thereafter.

§ 3. This act shall take effect immediately.