

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "low-carbon building construction act".

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

5 § 382-c. Low-carbon building construction. 1. For the purposes of
6 this section, the following terms shall have the following meanings:

7 (a) "covered products" means:

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

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

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

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

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

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

22 (c) "embodied carbon emissions" means the amount of greenhouse gas
23 emissions associated with the extraction, manufacturing, transport,
24 installation, maintenance, and disposal of construction products
25 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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1 (d) "global warming potential" means the potential climate change
2 impact of a product or process as measured by a life-cycle assessment.
3 It is the metric for tracking embodied carbon emissions and is reported
4 in units of carbon dioxide equivalent;

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

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

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

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

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

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

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

1 2030 materials baselines or comparable industry data sources specified
2 in the code or by rules adopted by the department, and construction
3 projects commenced on or after January first, two thousand thirty-three
4 shall achieve a thirty percent reduction in embodied carbon emissions
5 from such project-wide static baseline.

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

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

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

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

33 (e) The department shall develop a public-facing website with educa-
34 tional resources to support implementation. The website shall:

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

37 (ii) outline reporting requirements and guidelines;

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

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

40 (v) provide checklists, templates, and training to support implementa-
41 tion; and

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

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

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

53 § 3. This act shall take effect immediately.