

STATE OF NEW YORK

3075

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

Introduced by M. of A. DILAN -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to exempting energy star appliances from state sales and compensating use taxes and granting municipalities the option to provide such exemption; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (a) of section 1115 of the tax law is amended
2 by adding a new paragraph 47 to read as follows:

3 (47) Retail sales of the following products, provided that the product
4 qualifies as an energy star product pursuant to the United States envi-
5 ronmental protection agency energy star program, shall be exempt from
6 the sales tax provisions of section eleven hundred five of this article:
7 clothes washer, dishwasher, refrigerator, room air conditioner, ceiling
8 fan, dehumidifier, freezer, air purifier, clothes dryer and ventilating
9 fan. The exemption provided for in this subdivision shall not apply to
10 the rental, leasing, repair or servicing of such energy star products.

11 § 2. Subparagraph (ii) of paragraph 1 of subdivision (a) of section
12 1210 of the tax law, as amended by section 5 of part J of chapter 59 of
13 the laws of 2021, is amended to read as follows:

14 (ii) Any local law, ordinance or resolution enacted by any city, coun-
15 ty or school district, imposing the taxes authorized by this subdivi-
16 sion, shall omit the residential solar energy systems equipment and
17 electricity exemption provided for in subdivision (ee), the commercial
18 solar energy systems equipment and electricity exemption provided for in
19 subdivision (ii), the commercial fuel cell electricity generating
20 systems equipment and electricity generated by such equipment exemption
21 provided for in subdivision (kk) and the clothing and footwear exemption
22 provided for in paragraph thirty of subdivision (a) and the energy star
23 product exemption provided for in paragraph forty-seven of subdivision

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

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1 (a) of section eleven hundred fifteen of this chapter, unless such city,
2 county or school district elects otherwise as to such residential solar
3 energy systems equipment and electricity exemption, such commercial
4 solar energy systems equipment and electricity exemption, commercial
5 fuel cell electricity generating systems equipment and electricity
6 generated by such equipment exemption [~~ex~~], such clothing and footwear
7 exemption or such energy star product exemption.

8 § 3. Section 1210 of the tax law is amended by adding a new subdivi-
9 sion (p) to read as follows:

10 (p) Notwithstanding any other provision of state or local law, ordi-
11 nance or resolution to the contrary:

12 (1) Any city having a population of one million or more in which the
13 taxes imposed by section eleven hundred seven of this chapter are in
14 effect, acting through its local legislative body, is hereby authorized
15 and empowered to elect to provide the same exemptions from such taxes as
16 the energy star product exemption from state sales and compensating use
17 taxes described in paragraph forty-seven of subdivision (a) of section
18 eleven hundred fifteen of this chapter by enacting a resolution in the
19 form set forth in paragraph two of this subdivision; whereupon, upon
20 compliance with the provisions of subdivisions (d) and (e) of this
21 section, such enactment of such resolution shall be deemed to be an
22 amendment to such section eleven hundred seven and such section eleven
23 hundred seven shall be deemed to incorporate such exemptions as if they
24 had been duly enacted by the state legislature and approved by the
25 governor.

26 (2) Form of Resolution: Be it enacted by the (insert proper title of
27 local legislative body) as follows:

28 Section one. Receipts from sales of and consideration given or
29 contracted to be given for, or for the use of, property and services
30 exempt from state sales and compensating use taxes pursuant to paragraph
31 forty-seven of subdivision (a) of section 1115 of the tax law shall also
32 be exempt from sales and compensating use taxes imposed in this juris-
33 isdiction.

34 Section two. This resolution shall take effect September 1, (insert
35 the year, but not earlier than the year 2026) and shall apply to sales
36 made, services rendered and uses occurring on and after that date in
37 accordance with the applicable transitional provisions in sections 1106,
38 1216 and 1217 of the New York tax law.

39 § 4. This act shall take effect April 1, 2026, and shall expire and be
40 deemed repealed April 1, 2031.