STATE OF NEW YORK

8481

2025-2026 Regular Sessions

IN SENATE

August 20, 2025

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, the public service law, the energy law and the executive law, in relation to authorizing local governments to opt out of mandates and benchmarks arising under the climate leadership and community protection act and associated universal electrification requirements

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

Section 1. Legislative findings and intent. The legislature hereby finds and declares:

(a) New York state is on a collision course with an energy affordability and reliability crisis due to increasingly rigid and unilateral mandates arising from the climate leadership and community protection act (CLCPA) and related universal electrification policies;

(b) The forced transition to all-electric building codes and transportation benchmarks, without sufficient infrastructure, technological readiness, or financial safeguards, poses a substantial threat to ratepayers, local economies, and public safety;

(c) Communities in western New York and throughout the state must retain the ability to make energy choices appropriate to their economic, geographic, and infrastructural circumstances;

(d) Municipal home rule and energy choice must be preserved, particularly where mandates create new costs, burdens, or public safety concerns; and

(e) California's recent withdrawal of the advanced clean fleets (ACF) rule, with a formal repeal soon to follow, and other states' reconsideration of strict electrification timelines suggest a prudent course correction is warranted.

§ 2. The environmental conservation law is amended by adding a new section 75-0121 to read as follows:

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

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§ 75-0121. Municipal opt-out authority.

1. Notwithstanding any other provision of law, a city, excluding cities with a population of one million or more, town, or village may, by majority vote of its legislative body, adopt a resolution opting out of any requirement, benchmark, or mandate imposed under this article or any related regulation or code requiring universal electrification or restricting the use of traditional energy sources.

2. Such resolution shall be filed with the department and shall take effect upon such filing.

3. No municipality shall be penalized, denied funding, or otherwise disadvantaged by the state for exercising the opt-out authority granted under this section.

§ 3. The public service law is amended by adding a new section 8-a to read as follows:

§ 8-a. Opt-out provision under the RAPID act. Any municipality opting out pursuant to section 75-0121 of the environmental conservation law shall be deemed to have opted out of any streamlined permitting requirements, benchmarks, or infrastructure obligations arising under article eight of this chapter where such obligations relate to electrification or zero-emission compliance benchmarks.

§ 4. The energy law is amended by adding a new section 11-104-a to read as follows:

§ 11-104-a. Opt-out of electrification mandates. A municipality that adopts an opt-out resolution pursuant to section 75-0121 of the environmental conservation law shall be exempt from:

1. any requirement under this chapter mandating the electrification of new residential or commercial buildings; and

2. the imposition of electric vehicle infrastructure benchmarks on municipal facilities, including but not limited to, mandates requiring level two charging infrastructure in public parking lots.

§ 5. Section 378 of the executive law is amended by adding a new subdivision 10-a to read as follows:

10-a. The requirements of this section, including those set by the state energy conservation construction code and adopted by the fire prevention and building code council, shall not apply to municipalities that have adopted an opt-out resolution pursuant to section 75-0121 of the environmental conservation law, to the extent such requirements mandate electrification or preclude the use of natural gas or other traditional energy sources.

§ 6. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 7. This act shall take effect immediately.