

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:

- 1 Section 1. Legislative findings and intent. The legislature hereby
2 finds and declares:
- 3 (a) New York state is on a collision course with an energy affordabil-
4 ity and reliability crisis due to increasingly rigid and unilateral
5 mandates arising from the climate leadership and community protection
6 act (CLCPA) and related universal electrification policies;
- 7 (b) The forced transition to all-electric building codes and transpor-
8 tation benchmarks, without sufficient infrastructure, technological
9 readiness, or financial safeguards, poses a substantial threat to rate-
10 payers, local economies, and public safety;
- 11 (c) Communities in western New York and throughout the state must
12 retain the ability to make energy choices appropriate to their economic,
13 geographic, and infrastructural circumstances;
- 14 (d) Municipal home rule and energy choice must be preserved, partic-
15 ularly where mandates create new costs, burdens, or public safety
16 concerns; and
- 17 (e) California's recent withdrawal of the advanced clean fleets (ACF)
18 rule, with a formal repeal soon to follow, and other states' reconsider-
19 ation of strict electrification timelines suggest a prudent course
20 correction is warranted.
- 21 § 2. The environmental conservation law is amended by adding a new
22 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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1 § 75-0121. Municipal opt-out authority.

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

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

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

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

15 § 8-a. Opt-out provision under the RAPID act. Any municipality opting
16 out pursuant to section 75-0121 of the environmental conservation law
17 shall be deemed to have opted out of any streamlined permitting require-
18 ments, benchmarks, or infrastructure obligations arising under article
19 eight of this chapter where such obligations relate to electrification
20 or zero-emission compliance benchmarks.

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

23 § 11-104-a. Opt-out of electrification mandates. A municipality that
24 adopts an opt-out resolution pursuant to section 75-0121 of the environ-
25 mental conservation law shall be exempt from:

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

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

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

33 10-a. The requirements of this section, including those set by the
34 state energy conservation construction code and adopted by the fire
35 prevention and building code council, shall not apply to municipalities
36 that have adopted an opt-out resolution pursuant to section 75-0121 of
37 the environmental conservation law, to the extent such requirements
38 mandate electrification or preclude the use of natural gas or other
39 traditional energy sources.

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

44 § 7. This act shall take effect immediately.