

Section 1. Subdivision 6 of section 11-104 of the energy law, as added by chapter 374 of the laws of 2022, is amended and two new subdivisions 7 and 8 are added to read as follows:

6. (a) To the fullest extent feasible, the standards for construction of buildings in the code shall be designed to help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction, set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, and as further identified by the New York state climate action council established pursuant to section 75-0103 of the environmental conservation law.

(b) In addition to the foregoing, to support the goal of zero on-site greenhouse gas emissions and help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, the code shall prohibit the installation of fossil-fuel equipment and building systems, in any new building not more than seven stories in height, except for a new commercial or industrial building greater than one hundred thousand square feet in conditioned floor area, on or after December thirty-first, two thousand twenty-five, and the code shall prohibit the installation of fossil-fuel equipment and building systems, in all new buildings after December thirty-first, two thousand twenty-eight.

7. (a) The provisions set forth in paragraph (b) of subdivision six of this section shall not be construed as applying to buildings existing prior to the effective date of the applicable prohibition, including to:

(i) the repair, alteration, addition, relocation, or change of occupancy or use of such buildings; and

(ii) the installation or continued use and maintenance of fossil-fuel equipment and building systems, including as related to cooking equipment, in any such buildings.

(b) In addition, in effectuating the provisions set forth in paragraph (b) of subdivision six of this section the code shall include exemptions for the purposes of allowing the installation and use of fossil-fuel equipment and building systems where such are installed and used:

(i) for generation of emergency back-up power and standby power systems;

(ii) in a manufactured home as defined in subdivision seven of section six hundred one of the executive law; or

(iii) in a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, car wash, laundromat, hospital, other medical facility, critical infrastructure, including but not limited to emergency management facilities, wastewater treatment facilities, and water treatment and pumping facilities, agricultural building, fuel cell system, or crematorium, as such terms are defined by the code council.

(c) Where the code includes an allowed exemption pursuant to subparagraph (i) or (iii) of paragraph (b) of this subdivision, other than S. 4006--C

132

A. 3006--C

agricultural buildings as defined by the council, such exemption shall include provisions that, to the fullest extent feasible, limit the use of fossil-fuel equipment and building systems to the system and area of the building for which a prohibition on fossil-fuel equipment and building systems is infeasible; require the area or service within a new building where fossil-fuel equipment and building systems are installed be electrification ready, except with respect to servicing manufacturing or industrial processes; and minimize emissions from the fossil-fuel equipment and building systems that are allowed to be used, provided that the provisions set forth in this paragraph do not adversely affect health, safety, security, or fire protection. Financial considerations

shall not be sufficient basis to determine physical or technical infeasibility.

(d) Exemptions included in the code pursuant to this subdivision shall be periodically reviewed by the state fire prevention and building code council to assure that they continue to effectuate the purposes of subdivision six of this section to the fullest extent feasible.

(e) The code shall allow for exemption of a new building construction project that requires an application for new or expanded electric service, pursuant to subdivision one of section thirty-one of the public service law and/or section twelve of the transportation corporations law, when electric service cannot be reasonably provided by the grid as operated by the local electric corporation or municipality pursuant to subdivision one of section sixty-five of the public service law; provided, however, that the public service commission shall determine reasonableness for purposes of this exemption. For the purposes of this paragraph, "grid" shall have the same meaning as electric plant, as defined in subdivision twelve of section two of the public service law.

8. For the purposes of this section:

(a) "Fossil-fuel equipment and building systems" shall mean (i) equipment, as such term is defined in section 11-102 of this article, that uses fossil-fuel for combustion; or (ii) systems, other than items supporting an industrial or commercial process as referred to in the definition of equipment in section 11-102 of the energy law, associated with a building that will be used for or to support the supply, distribution, or delivery of fossil-fuel for any purpose, other than for use by motor vehicles.

(b) "Electrification ready" means the new building or portion thereof where fossil-fuel equipment and building systems are allowed to be used which contains electrical systems and designs that provide sufficient capacity for a future replacement of such fossil-fuel equipment and building systems with electric-powered equipment, including but not limited to sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such electric-powered equipment.

§ 2. Section 371 of the executive law, as added by chapter 707 of the laws of 1981, is amended to read as follows:

§ 371. Statement of legislative findings and purposes. 1. The legislature hereby finds and declares that:

a. The present level of loss of life, injury to persons, and damage to property as a result of fire demonstrates that the people of the state have yet to receive the basic level of protection to which they are entitled in connection with the construction and maintenance of buildings;

b. There does not exist for all areas of the state a single, adequate, enforceable code establishing minimum standards for fire protection and

construction, maintenance and use of materials in buildings. Instead, there exists a multiplicity of codes and requirements for various types of buildings administered at various levels of state and local government. There are, in addition, extensive areas of the state in which no code at all is in effect for the general benefit of the people of the state;

c. The present system of enforcement of fire protection and building construction codes is characterized by a lack of adequately trained personnel, as well as inconsistent qualifications for personnel who administer and enforce those codes;

d. Whether because of the absence of applicable codes, inadequate code provisions or inadequate enforcement of codes, the threat to the public health and safety posed by fire remains a real and present danger for the people of the state; and

e. The multiplicity of fire protection and building construction code requirements poses an additional problem for the people of the state since it increases the cost of doing business in the state by perpetuat-

ing multiple requirements, jurisdictional overlaps and business uncertainties, and, in some instances, by artificially inducing high construction costs.

2. The legislature declares that it shall be the public policy of the state of New York to:

a. Immediately provide for a minimum level of protection from the hazards of fire in every part of the state;

b. Provide for the promulgation of a uniform code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction. In providing for such a uniform code, it is declared to be the policy of the state of New York to:

(1) reconcile the myriad existing and potentially conflicting regulations which apply to different types of buildings and occupancies;

(2) recognize that fire prevention and fire prevention codes are closely related to the adequacy of building construction codes, that the greatest portion of a building code's requirements are fire safety oriented, and that fire prevention and building construction concerns should be the subject of a single code;

(3) recognize that the decarbonization of new and existing buildings is closely related to the state's clean energy and climate agenda as described in the New York climate leadership and community protection act set forth in chapter one hundred six of the laws of two thousand nineteen, and that the uniform code shall enable the state's clean energy objectives;

(4) place public and private buildings on an equal plane with respect to fire prevention and adequacy of building construction;

~~[(4)]~~ (5) require new and existing buildings alike to keep pace with advances in technology concerning fire prevention and building construction, including, where appropriate, that provisions apply on a retroactive basis; and

~~[(5)]~~ (6) provide protection to both residential and non-residential buildings;

c. Insure that the uniform code be in full force and effect in every area of the state;

d. Encourage local governments to exercise their full powers to administer and enforce the uniform code; and

S. 4006--C

134

A. 3006--C

e. Provide for a uniform, statewide approach to the training and qualification of personnel engaged in the administration and enforcement of the uniform code.

§ 3. Subdivision 19 of section 378 of the executive law, as renumbered by chapter 47 of the laws of 2022, is renumbered subdivision 20 and a new subdivision 19 is added to read as follows:

19. a. To support the goal of zero on-site greenhouse gas emissions and help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, the uniform code shall prohibit the installation of fossil-fuel equipment and building systems, in any new building not more than seven stories in height, except for a new commercial or industrial building greater than one hundred thousand square feet in conditioned floor area, on or after December thirty-first, two thousand twenty-five, and the uniform code shall prohibit the installation of fossil-fuel equipment and building systems, in all new buildings on or after December thirty-first, two thousand twenty-eight.

b. The provisions set forth in paragraph a of this subdivision shall not be construed as applying to buildings existing prior to the effective date of the applicable prohibition, including to:

(i) the repair, alteration, addition, relocation, or change of occupancy or use of such buildings; and

(ii) the installation or continued use and maintenance of fossil-fuel

26 equipment and building systems, including as related to cooking equip-
27 ment, in any such buildings.

28 c. In addition, in effectuating the provisions set forth in paragraph
29 a of this subdivision the code shall include exemptions for the purposes
30 of allowing the installation and use of fossil-fuel equipment and build-
31 ing systems where such systems are installed and used:

32 (i) for generation of emergency back-up power and standby power
33 systems;

34 (ii) in a manufactured home as defined in subdivision seven of section
35 six hundred one of the executive law; or

36 (iii) in a building or part of a building that is used as a manufac-
37 turing facility, commercial food establishment, laboratory, car wash,
38 laundromat, hospital, other medical facility, critical infrastructure,
39 including but not limited to emergency management facilities, wastewater
40 treatment facilities, and water treatment and pumping facilities, agri-
41 cultural building, fuel cell system, or crematorium, as such terms are
42 defined by the code council.

43 d. Where the uniform code includes an allowed exemption pursuant to
44 subparagraph (i) or (iii) of paragraph c of this subdivision, other than
45 agricultural buildings as defined by the council, such exemption shall
46 include provisions that, to the fullest extent feasible, limit the use
47 of fossil-fuel equipment and building systems to the system and area of
48 the building for which a prohibition on fossil-fuel equipment and build-
49 ing systems is infeasible; except with respect to servicing manufactur-
50 ing or industrial processes, require the area or service within a new
51 building where fossil-fuel equipment and building systems are installed
52 be electrification ready; and minimize emissions from the fossil-fuel
53 equipment and building systems that are allowed to be used, provided
54 that such provisions do not adversely affect health, safety, security,
55 or fire protection. Financial considerations shall not be sufficient
56 basis to determine physical or technical infeasibility.

S. 4006--C

135

A. 3006--C

1 e. Exemptions included in the uniform code pursuant to this subdivi-
2 sion shall be periodically reviewed by the code council to assure that
3 they continue to effectuate the purposes of paragraph a of this subdivi-
4 sion and subparagraph three of paragraph b of subdivision two of section
5 three hundred seventy-one of this article to the fullest extent feasi-
6 ble.

7 f. The code shall allow for exemption of a new building construction
8 project that requires an application for new or expanded electric
9 service, pursuant to subdivision one of section thirty-one of the public
10 service law and/or section twelve of the transportation corporations
11 law, when electric service cannot be reasonably provided by the grid as
12 operated by the local electric corporation or municipality pursuant to
13 subdivision one of section sixty-five of the public service law;
14 provided, however, that the public service commission shall determine
15 reasonableness for purposes of this exemption. For the purposes of this
16 paragraph, "grid" shall have the same meaning as electric plant, as
17 defined in subdivision twelve of section two of the public service law.

18 g. For the purposes of this subdivision:

19 (i) "Fossil-fuel equipment and building systems" shall mean (A) equip-
20 ment, as such term is defined in section 11-102 of the energy law, that
21 uses fossil-fuel for combustion; or (B) systems, other than items
22 supporting an industrial or commercial process as referred to in the
23 definition of equipment in section 11-102 of the energy law, associated
24 with a building that will be used for or to support the supply, distrib-
25 ution, or delivery of fossil-fuel for any purpose, other than for use by
26 motor vehicles.

27 (ii) "Electrification ready" means the new building or portion thereof
28 where fossil-fuel equipment and building systems are allowed to be used
29 which contains electrical systems and designs that provide sufficient
30 capacity for a future replacement of such fossil-fuel equipment and
31 building systems with electric-powered equipment, including but not

32 limited to sufficient space, drainage, electrical conductors or race-
33 ways, bus bar capacity, and overcurrent protective devices for such
34 electric-powered equipment.

35 § 4. Section 1005 of the public authorities law is amended by adding a
36 new subdivision 30 to read as follows:

37 30. To establish decarbonization action plans for state-owned facili-
38 ties as provided for in section ninety of the public buildings law, and
39 to consult, cooperate, and coordinate with any state entity, as required
40 or authorized in article four-D of the public buildings law.

41 § 5. The public buildings law is amended by adding a new article 4-D
42 to read as follows:

43 ARTICLE 4-D

44 DECARBONIZATION OF STATE-OWNED FACILITIES

45 Section 90. Definitions.

46 91. Decarbonization action plans.

47 § 90. Definitions. As used in this article:

48 1. "Authority" shall mean the power authority of the state of New York
49 established under title one of article five of the public authorities
50 law.

51 2. "Decarbonization" and "decarbonize" means eliminating all on-site
52 combustion of fossil-fuels and associated co-pollutants with the excep-
53 tion of back-up emergency generators and redundant systems needed to
54 address public health, safety and security, providing heating and cool-
55 ing through thermal energy, and thermal energy networks, from non-com-
S. 4006--C 136 A. 3006--C

1 bustion sources, and to the greatest extent feasible producing on-site
2 electricity that is one hundred percent renewable.

3 3. "Highest-emitting facilities" means state-owned facilities that are
4 among the highest producers of greenhouse gas emissions and collectively
5 account for at least thirty percent of the greenhouse gas emissions as
6 recorded by the authority's Build Smart NY program established pursuant
7 to Executive Order 88 of 2012.

8 4. "Thermal energy" shall have the meaning provided in subdivision
9 twenty-eight of section two of the public service law.

10 5. "Thermal energy network" shall have the same meaning as defined in
11 subdivision twenty-nine of section two of the public service law.

12 6. "State energy research and development authority" shall mean the
13 New York state energy research and development authority established
14 under title nine of article eight of the public authorities law.

15 7. "State-owned facilities" or "facilities" includes "building" as
16 defined by section eighty-one of this chapter, "dormitory" as defined by
17 section three hundred seventy of the education law, and "facility" as
18 defined by section three hundred seventy of the education law.

19 § 91. Decarbonization action plans. 1. The authority is hereby author-
20 ized and directed to establish decarbonization action plans for fifteen
21 of the highest-emitting facilities that will serve as a basis for decar-
22 bonizing the facilities to the maximum extent practicable, and subject
23 to any needed redundant systems and back-up systems needed for public
24 safety and security. Decarbonization action plans shall address the
25 following matters at a minimum:

26 (a) A comprehensive accounting and analysis of all energy uses at the
27 facilities.

28 (b) Greenhouse gas and other harmful emissions (e.g., NOx, SOx, parti-
29 culate matter) resulting from the on-site and source energy usage of the
30 facilities.

31 (c) Analysis of the feasibility of using thermal energy and thermal
32 energy networks at the facility, including any anticipated limitations
33 on the use of thermal energy networks, along with a characterization of
34 any such limitations, including whether they are permanent, temporary,
35 or resolvable on a cost-effective basis.

36 (d) Identification and analysis of energy efficiency measures that
37 could be designed and constructed in later decarbonization project phas-
38 es.

39 (e) An analysis of the availability and/or feasibility of providing
40 clean energy through electrification technologies and associated elec-
41 trical upgrades to meet the facility energy needs, as demonstrated by
42 the reduced load profiles determined to be practicable based on the
43 energy efficiency measures identified, either through on-site generation
44 and/or other procurement.

45 (f) Investigation of the resiliency and redundant capacity of the
46 existing critical infrastructure, such as heating, cooling and backup
47 electrical power systems.

48 (g) Identification of any parts of the facilities that cannot be
49 decarbonized, with explanations.

50 (h) Geotechnical investigations into the on-site potential for clean
51 energy sources, including drilling test geothermal wells as needed.

52 (i) Determination of the feasibility and advisability of gathering,
53 combining, or expanding any clean energy sources or central thermal
54 energy networks with neighboring or nearby related state facilities.

55 (j) Investigation of the infrastructure, planning and funding needed
56 to electrify transportation resources regularly used to serve the facil-

S. 4006--C

137

A. 3006--C

1 ities, such as public transit, vehicle fleets or
2 employee/resident/student electric vehicle charging stations.

3 (k) An economic and feasibility analysis based upon the potential to
4 decarbonize the facility, considering among other things the net present
5 value of the life cycle cost of the thermal systems and other systems
6 proposed, inclusive of the social cost of carbon, capital expenses for
7 initial implementation and major equipment replacements, and operational
8 expenses, including labor costs.

9 2. The authority shall complete the decarbonization action plans no
10 later than January thirty-first, two thousand twenty-six, provided that
11 such date shall be extended for justifiable delay outside the control of
12 the authority, including, but not limited to, previously planned or
13 current major renovations or replacements to the facilities, delayed
14 permitting or approval by building owners, local authorities, or other
15 essential parties, external resource bottlenecks, pending or unresolved
16 investigations into utility grid capacity or similar circumstances where
17 crucial information is not yet available or determined. Such extension
18 shall be limited to the time necessary to address the factors causing
19 such delay.

20 3. The authority shall complete and submit a report, on or before
21 January thirty-first, two thousand twenty-five, and annually thereafter,
22 to the governor, the speaker of the assembly, and the temporary presi-
23 dent of the senate, and shall post such report on the authority's
24 website so that it is accessible for public review. Such report shall
25 include, but not be limited to: (a) the progress of the decarbonization
26 action plans; (b) any difficulties in preparing the decarbonization
27 action plans; and (c) any anticipated delays in completing the decarbon-
28 ization action plans by January thirty-first, two thousand twenty-seven.

29 4. The authority is authorized to allocate up to thirty million
30 dollars to prepare the decarbonization action plans. The owner or opera-
31 tor of state-owned facilities shall not be responsible for reimbursing
32 the authority for the costs the authority incurs to establish the decar-
33 bonization action plans provided for in this section, provided that the
34 authority is authorized to obtain reimbursement of such costs from any
35 other available funding sources, and provided further, that nothing in
36 this subdivision is intended to limit the authority from receiving
37 compensation for any services it provides to any owner or operator of
38 state-owned facilities, including services related to implementation of
39 decarbonization plans and decarbonization projects, on such terms and
40 conditions as the parties agree.

41 5. The authority may ask and shall receive from the state energy
42 research and development authority, the office of general services, the
43 state university of New York, the dormitory authority, the department of
44 environmental conservation, and any owners and operators of state-owned

45 facilities, any information or staff technical assistance necessary to
46 carry out its powers and duties under this section.

47 6. The chiller. The state university of New York shall utilize up to
48 thirty million dollars of the 2023-24 New York state urban development
49 corporation capital appropriation for the replacement of absorption
50 chillers in the central chiller plant of the state university of New
51 York at Albany.

52 7. Any project, including any thermal energy project, that may be
53 funded as a result of a decarbonization action plan completed pursuant
54 to this section shall: (a) be deemed a public work project subject to
55 article eight of the labor law; (b) require that the component parts of
56 any geothermal systems or any other heating or cooling systems are

S. 4006--C 138 A. 3006--C
1 produced or made in whole or substantial part in the United States, its
2 territories or possessions, subject to a waiver provision similar to the
3 one contained in subdivision two of section sixty-six-s of the public
4 service law; (c) contain a requirement that any public owner or third
5 party acting on behalf of a public owner enter into a project labor
6 agreement as defined by section two hundred twenty-two of the labor law
7 for all construction work; and (d) require the payment of prevailing
8 wage standards consistent with article nine of the labor law for build-
9 ing services work. Notwithstanding any provision of law to the contrary,
10 all rights or benefits, including terms and conditions of employment,
11 and protection of civil service and collective bargaining status of all
12 existing public employees and the work jurisdiction, covered job titles,
13 and work assignments, set forth in the civil service law and collective
14 bargaining agreements with labor organizations representing public
15 employees shall be preserved and protected. Any such project shall not
16 result in the: (i) displacement of any currently employed worker or loss
17 of position (including partial displacement as such a reduction in the
18 hours of non-overtime work, wages, or employment benefits) or result in
19 the impairment of existing collective bargaining agreements; (ii) trans-
20 fer of existing duties and functions related to maintenance and oper-
21 ations currently performed by existing employees of authorized entities
22 to a contracting entity; or (iii) transfer of future duties and func-
23 tions ordinarily performed by employees of authorized entities to a
24 contracting entity.

25 § 6. This act shall take effect immediately.