

**New York State Energy Law §11-104(6)-(8)**

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 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.

9. Standards to require new buildings that include new dedicated off-street parking involving a garage, driveway, parking lot or other off-street parking to have electric vehicle ready infrastructure and electric vehicle charging stations that comply with the requirements set forth in this subdivision. Such standards shall not be included in the life cycle analysis performed pursuant to subdivision two of section 11-103 of this article.

(a) For the purposes of this subdivision:

(i) "electric vehicle ready infrastructure" shall mean all electrical components, terminating in a receptacle or outlet, as necessary to enable electric vehicle charging and support electric vehicle charging stations; and

(ii) "electric vehicle charging station" shall mean all the equipment necessary to deliver electricity from a source outside an electric vehicle into one or more electric vehicles, as defined by the code council.

(b) When adopting a new code after December thirty-first, two thousand twenty-six, such code shall include provisions that require any new building where new off-street parking is associated with such new building to have electric vehicle ready infrastructure and electric vehicle charging stations in accordance with paragraph (d) of this subdivision.

(c) The provisions set forth in paragraph (b) of this subdivision shall not be construed as applying to buildings existing prior to the adoption of a new code after December thirty-first, two thousand twenty-six, including to the repair, alteration, addition, relocation, or change of occupancy or use of such buildings.

(d) Code provisions promulgated by the state fire prevention and building code council pursuant to this subdivision:

(i) may, for detached one- and two-family dwellings, provide for electric vehicle ready infrastructure;

(ii) shall, for occupancies other than detached one- and two-family dwellings, require a minimum number of parking spaces with electric vehicle ready infrastructure and a minimum number of parking spaces with electric vehicle charging stations, with minimum charging capacity standards established by the council. When establishing minimum standards, the council shall consider:

A. the goals of section 19-0306-b of the environmental conservation

law;

B. the differing needs of various building types;

C. maximizing equity of access to electric vehicle charging across income levels, housing types, geographic locations, and employment types;

D. for commercial buildings, the electric vehicle charging access needs of both employees and customers; and

E. for multi-family residential buildings, standards that allow electric vehicle charging stations be wired directly to a meter or electric vehicle submeter serving a residential unit;

(iii) include requirements for clear and prominent signage denoting the availability and location of electric vehicle ready infrastructure and electric vehicle charging stations; and

(iv) provide exemptions to such code provisions for:

A. projects with local, state, or federal approval subject to an actual or anticipated agreement with a local, state, or federal governmental entity for the purposes of providing affordable housing in a given locality or region; and

B. additional exemptions due to technical infeasibility, geographic location, or building type, as the code council deems appropriate.