

STATE OF NEW YORK

9533

IN SENATE

May 16, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, in relation to authorizing existing building projects to continue when the fossil fuel ban takes effect

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

1 Section 1. Paragraph (b) of subdivision 6 of section 11-104 of the
2 energy law, as added by section 1 of part RR of chapter 56 of the laws
3 of 2023, is amended to read as follows:

4 (b) In addition to the foregoing, to support the goal of zero on-site
5 greenhouse gas emissions and help achieve the state's clean energy and
6 climate agenda, including but not limited to greenhouse gas reduction
7 requirements set forth within chapter one hundred six of the laws of two
8 thousand nineteen, also known as the New York state climate leadership
9 and community protection act, the code shall prohibit the installation
10 of fossil-fuel equipment and building systems, in any new building not
11 more than seven stories in height, except for a new commercial or indus-
12 trial building greater than one hundred thousand square feet in condi-
13 tioned floor area, on or after December thirty-first, two thousand twen-
14 ty-five, and the code shall prohibit the installation of fossil-fuel
15 equipment and building systems, in all new buildings after December
16 thirty-first, two thousand twenty-eight. Such prohibition shall not
17 apply to any new building for which a site plan, tentative map or subdi-
18 vision plat has been approved by the local planning board, or for which
19 a building permit has been issued, prior to such dates.

20 § 2. This act shall take effect immediately.

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

LBD15610-01-4

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S9533

SPONSOR: MARTINEZ

TITLE OF BILL:

An act to amend the energy law, in relation to authorizing existing building projects to continue when the fossil fuel ban takes effect

PURPOSE:

The purpose of this bill is to establish a grandfather clause for new building projects in which a site plan has been approved by a local zoning board or a permit has been issued in reference to the enactment of the prohibition of fossil fuel installation in new buildings beginning in 2025.

SUMMARY OF PROVISIONS:

Section 1. Paragraph (b) of subdivision 6 of section 11-104 of the 2 energy law, as added by section 1 of part RR of chapter 56 of the laws 3 of 2023, is amended to exempt new building projects from the provisions of this section for which a site plan, tentative map or subdivision plat has been approved by the local planning board, or for which a building permit has been issued prior to the enactment of this section.

Section 2. Establishes the enacting clause.

JUSTIFICATION:

This legislation addresses concerns raised by stakeholders in the home-building industry regarding the electrification measure that prohibits the installation of fossil fuel equipment and building systems in new residential and small commercial development beginning in 2025. Projects that have already been permitted or received approval by a local planning board would be exempt from the prohibition. This ensures existing developments can proceed when the electrification requirement takes effect without unnecessary economic hardship or delay in housing development.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

10477

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) --
read once and referred to the Committee on Energy

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building projects to continue when the fossil fuel ban takes effect

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