Part 1240 State Energy Conservation Construction Code

19 NYCRR 1240.1

Section 1240.1. State Energy Conservation Construction Code.

This Part and the publications incorporated by reference in this Part constitute the State Energy Conservation Construction Code (the Energy Code) promulgated pursuant to article 11 of the Energy Law.

19 NYCRR 1240.2

Section 1240.2. Definitions

For the purposes of this Part, the following words and phrases shall have the following meanings unless a different meaning is plainly required by the context:

(a) *2025 ECCCNYS*. The term "*2025 ECCCNYS*" means the publication entitled "*2025 Energy Conservation Construction Code of New York State*" (publication date: July 2025) published by the International Code Council, Inc.

(b) *2025 ECCCNYS Commercial Provisions.* The term "*2025 ECCCNYS Commercial Provisions*" means that part of the *2025 ECCCNYS* that is applicable to "commercial buildings" as such term is defined herein.

(c) *2025 ECCCNYS Residential Provisions.* The term "*2025 ECCCNYS Residential Provisions*" means that part of the *2025 ECCCNYS* that is applicable to "residential buildings" as such term is defined herein.

(d) *ASHRAE 90.1-2022.* The term "*ASHRAE 90.1-2022*" means the publication entitled "ANSI/ASHRAE/IES Standard 90.1-2022, Energy Standard for Sites and Buildings Except Low-Rise Residential Buildings" (December, 2022 printing) published by American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

(e) *NYS ASHRAE 90.1-2025.* The term "*NYS ASHRAE 90.1-2025*" means the New York State-specific version of the publication ASHRAE 90.1-2022 entitled "NYS ASHRAE 90.1-2025, Energy Standard for Buildings Except Low-Rise Residential Buildings" (publication date: July 2025) published by the International Code Council, Inc.

(f) *Commercial building.* The term "*commercial building*" includes any building that is not a residential building (as defined in subdivision [i] of this section).

(g) *Energy Code*. The term "*Energy Code*" means the State Energy Conservation Construction Code.

(h) *Historic building.* The term "*historic building*" means an existing building or structure that is any of the following:

(1) listed, or certified as eligible for listing, in the National Register of Historic Places or in the New York State Register of Historic Places.

(2) designated as historic under an applicable state or local law; or

(3) certified as a contributing resource within a National Register-listed, State Register listed, or locally designated historic district.

(i) *Residential building.* The term "*residential building*" includes:

(1) detached one-and-two-family dwellings and townhouses having not more than three stories above grade plane;

(2) buildings that are classified in accordance with chapter 3 of the Building Code of New York State as Group R-2, R-3 or R-4 and having not more than three stories above grade plane; and

(3) factory manufactured homes (as defined in section 372 of the Executive Law).

(j) *Townhouse or townhouse unit.* The terms "*townhouse or townhouse unit*" means a single-family dwelling unit constructed in a group of three or more attached units in which each unit:

(1) extends from the foundation to roof;

(2) has open space on at least two sides; and

(3) has a separate means of egress.

19 NYCRR 1240.3

Section 1240.3. Energy Code provisions applicable to commercial buildings.

(a) 2025 ECCCNYS Commercial Provisions. Except as otherwise provided in section 1240.5 of this Part, the construction of all new commercial buildings; all additions to, alterations of, and/or renovations of existing commercial buildings; and all additions to, alterations of, and/or renovations of building systems in existing commercial buildings shall comply with the requirements of the 2025 ECCCNYS Commercial Provisions. The 2025 ECCCNYS Commercial Provisions are incorporated herein by reference. Copies of the 2025 ECCCNYS (which includes the 2025 ECCCNYS Commercial Provisions) may be obtained from the publisher at the following address:

International Code Council, Inc.
200 Massachusetts Avenue NW, Suite 250
Washington, DC 20001

The 2025 ECCCNYS is available for public inspection and copying at:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(b) NYS ASHRAE 90.1-2025. To the extent provided in the 2025 ECCCNYS Commercial Provisions, compliance with the requirements of NYS ASHRAE 90.1-2025, and the referenced standards incorporated therein, shall be permitted in lieu of compliance with the 2025 ECCCNYS Commercial Provisions. NYS ASHRAE 90.1-2025 is incorporated herein by reference. Copies of the NYS ASHRAE 90.1-2025 may be obtained from the publisher at the following address:

International Code Council, Inc.
200 Massachusetts Avenue NW, Suite 250
Washington, DC 20001

NYS ASHRAE 90.1-2025 is available for public inspection and copying at:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(1) Amendments made to NYS ASHRAE 90.1-2025. For the purposes of applying NYS ASHRAE 90.1-2025 in New York State, NYS ASHRAE 90.1-2025 shall be deemed to be amended in the following manner:

(i) Amendments to Normative Appendix G. Normative Appendix G shall be replaced in its entirety with the publication entitled Normative Appendix G (publication date: September 2025) published by the Department of State. Normative Appendix G (publication date: September 2025) is incorporated herein by reference. Copies of Normative Appendix G (publication date: September 2025) may be obtained from the publisher and is available for public inspection and copying at the following address:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(c) Referenced standards. The referenced standards listed in chapter 6 of the 2025 ECCCNYS Commercial Provisions are considered to be part of the 2025 ECCCNYS Commercial Provisions, subject to the provisions and limitations set forth in sections C107.l, C107.1.1, and C107.1.2 of the 2025 ECCCNYS Commercial Provisions. The following referenced standards are incorporated herein by reference and shall be considered to be part of the 2025 ECCCNYS Commercial Provisions subject to the provisions and limitations set forth in sections C107.l, C107.1.1, and C107.1.2 of the *2025* ECCCNYS Commercial Provisions:

(1) AISI. The following publication published by American Iron and Steel Institute is incorporated herein by reference: AISI S250—21w/S1-22: North American Standard for Thermal Transmittance of Building Envelopes with Cold-Formed Steel Framing, 2021 Edition with Supplement 1.

Copies of the publication referenced in this paragraph may be obtained from the publisher at the following address:

American Iron and Steel Institute
25 Massachusetts Avenue, NW, Suite 800
Washington, DC 20001

Copies of the publication referenced in this paragraph are available for public inspection and copying at:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(2) ASHRAE. The following publications published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. are incorporated herein by reference:

(i) 55-2020: Thermal Environmental Conditions for Human Occupancy;

(ii) 62.1—2022: Ventilation for Acceptable Indoor Air Quality;

(iii) 90.4—2022: Energy Standard for Data Centers; and

(iv) ANSI/ASHRAE/ACCA Standard 183—2007 (RA2020): Peak Cooling and Heating Load Calculations in Buildings Except Low-Rise Residential Buildings.

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
ASHRAE
180 Technology Parkway, NW
Peachtree Corners, GA 30092
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(3) ASTM. The following publications published by ASTM International are incorporated herein by reference:

(i) D8052/D8052M—22: Standard Test Method for Quantification of Air Leakage in Low-Sloped Membrane Roof Assemblies.

(ii) E779—2019: Standard Test Method for Determining Air Leakage Rate by Fan Pressurization;

(iii) E1186—22: Standard Practices for Air Leakage Site Detection in Building Envelopes and Air Barrier Systems;

(iv) E1677—19: Specification for Air Barrier (AB) Material or Assemblies for Low- rise Framed Building Walls;

(v) E1827—22: Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door;

(vi) E2178—2021a: Standard Test Method for Determining Air Leakage and Calculation of Air Permeance of Building Materials;

(vii) E2357—23: Standard Test Method for Determining Air Leakage of Air Barriers Assemblies; and

(viii) E3158—18: Test Method for Measuring the Air Leakage Rate of a Large or Multizone Building.

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(4) ICC. The following publications published by International Code Council, Inc. are incorporated herein by reference:

(i) 2025 Building Code of New York State (publication date: July 2025);

(ii) 2025 Fire Code of New York State (publication date: July 2025);

(iii) 2025 Fuel Gas Code of New York State (publication date: July 2025);

(iv) 2025 Mechanical Code of New York State (publication date: July 2025);

(v) 2025 Plumbing Code of New York State (publication date: July 2025);

(vi) 2025 Property Maintenance Code of New York State (publication date: July 2025);

(vii) 2025 Residential Code of New York State (publication date: July 2025); and

(viii) 2025 Existing Building Code of New York State (publication date: July 2025).

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
International Code Council, Inc.
200 Massachusetts Avenue NW, Suite 250
Washington, DC 20001
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(5) NFPA. The following publication published by National Fire Protection Association is incorporated hereby by reference: 70-23 National Electric Code.

Copies of the publication referenced in this paragraph may be obtained from the publisher at the following address:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02169
Copies of the publication referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(6) RESNET. The following publication published by Residential Energy Services Network is incorporated hereby by reference: *ANSI/RESNET/ICC 380-2022: Standard for Testing Airtightness of Building*, Dwelling Unit, and Sleeping Unit Enclosures; Airtightness of Heating and Cooling Air Distribution Systems; and Airflow of Mechanical Ventilation Systems.

Copies of the publication referenced in this paragraph may be obtained from the publisher at the following address:
Residential Energy Services Network
P.O. Box 4561
Oceanside, CA 92052
Copies of the publication referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

19 NYCRR 1240.4

Section 1240.4. Energy Code provisions applicable to residential buildings.

(a) 2025 ECCCNYS Residential Provisions. Except as otherwise provided in section 1240.5 of this Part, the construction of all new residential buildings; all additions to, alterations of, and/or renovations of existing residential buildings; and all additions to, alterations of, and/or renovations of building systems in existing residential buildings shall comply with the requirements of the 2025 ECCCNYS Residential Provisions. The 2025 ECCCNYS Residential Provisions are incorporated herein by reference. Copies of the 2025 ECCCNYS (which includes the 2025 ECCCNYS Residential Provisions) may be obtained from the publisher at the following address:

International Code Council, Inc.
200 Massachusetts Avenue NW, Suite 250
Washington, DC 20001

The 2025 ECCCNYS is available for public inspection and copying at:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(1) Amendments made to the 2025 ECCCNYS Residential Provisions. For the purposes of applying the 2025 ECCCNYS Residential Provisions in New York State, the 2025 ECCCNYS Residential Provisions shall be deemed to be amended in the following manner:

i. Amendment to Table R402.1.2 - [NY] TABLE R402.1.2-MAXIMUM ASSEMBLY U-FACTORS AND FENESTRATION REQUIREMENTS, to reflect the maximum U-factor for Crawl space wall insulation to read 0.055 instead of 0.55 for Climate Zone 4. The Crawl space wall U-factor row of Table R402.1.2 of the 2025 ECCCNYS Residential Provisions shall be deemed to be amended to read as follows:

Crawl space wall *U*-factor	0.055	0.055	0.055

ii. Amendment to Section R408.2.4 (More efficient thermal distribution system options). Section R408.2.4 of the 2025 ECCCNYS Residential Provisions shall be deemed to be amended to read as follows:

R408.2.4 More efficient thermal distribution system options. Where not otherwise required by Section R403.3, the thermal distribution system shall comply with one of the following:

1. The ductless thermal distribution system or hydronic thermal distribution system is located completely on the conditioned side of the *building thermal envelope*.

2. The *space conditioning equipment* is located inside *conditioned space*. In addition, 100 percent of the *ductwork* is located completely inside *conditioned space* as defined by Section R403.3.4, Items 1 and 2.

3. The *space conditioning equipment* is located inside *conditioned space* and not less than 80 percent of *ductwork* is located completely inside *conditioned space* as defined by Section R403.3.4, Items 1 and 2. In addition, not more than 20 percent of *ductwork* is contained within building assemblies separating unconditioned from *conditioned space* as defined by Section R403.3.4, Item 3.

4. Where *ductwork* is located outside *conditioned space*, the total leakage of the *duct system* measured in accordance with Section R403.3.7 is one of the following:

4.1. Where the *space conditioning equipment* is installed at the time of testing, total leakage is not greater than 2.0 cubic feet per minute (0.94 L/s) per 100 square feet (9.29 m2) of *conditioned floor* area.

4.2. Where the *space conditioning equipment* is not installed at the time of testing, total leakage is not greater than 1.75 cubic feet per minute (0.83 L/s) per 100 square feet (9.29 m2) of *conditioned floor* area.

iii. Amendment to Chapter R6 (Referenced Standards). The reference to *ANSI standard Z21.20-2005 (R2016): Automatic Gas Ignition Systems and Components, shall be deemed to be amended to read as follows:

*ANSI Z21.20—2005 (R2021): Automatic Gas Ignition Systems and Components

R403.13, R404.1.5

(b) Referenced standards. The referenced standards listed in chapter 6 of the 2025 ECCCNYS Residential Provisions are considered to be part of the 2025 ECCCNYS Residential Provisions, subject to the provisions and limitations set forth in sections Rl07.1, Rl07.1.1, and R107.l.2 of the 2025 ECCCNYS Residential Provisions. The following referenced standards are incorporated herein by reference and shall be considered to be part of the 2025 ECCCNYS Residential Provisions, subject to the provisions and limitations set forth in sections Rl07.1, R107.1.1, and R107.1.2 of the 2025 ECCCNYS Residential Provisions:

(1) ACCA. The following publications published by Air Conditioning Contractors of America are incorporated herein by reference:

(i) ANSI/ACCA 1 Manual D—2016: Residential Duct Systems;

(ii) ANSI/ACCA 2 Manual J—2016: Residential Load Calculation; and

(iii) ANSI/ACCA 3 Manual S—2023: Residential Equipment Selection.

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
Air Conditioning Contractors of America
1520 Belle View Boulevard, Suite 5520
Alexandria, VA 22307
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(2) AISI. The following publication published by American Iron and Steel Institute is incorporated herein by reference:
AISI S250—21 w/S1-22: North American Standard for Thermal Transmittance of Building Envelopes with Cold-Formed Steel Framing, 2021 Edition with Supplement 1.
Copies of the publication referenced in this paragraph may be obtained from the publisher at the following address:
American Iron and Steel Institute
25 Massachusetts Avenue, NW, Suite 800
Washington, DC 20001
Copies of the publication referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(3) ASHRAE. The following publications published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. are incorporated herein by reference:

(i) ASHRAE—2021: 2021 ASHRAE Handbook of Fundamentals; and

(ii) ASHRAE—2017: 2017 ASHRAE Handbook of Fundamentals. Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
ASHRAE
180 Technology Parkway, NW
Peachtree Corners, GA 30092
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(4) ASTM. The following publications published by ASTM International are incorporated herein by reference:

(i) C1363—19: Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus;

(ii) C1743—19: Standard Practice for Installation and Use of Radiant Barrier Systems (RBS) in Residential

Building Construction;

(iii) E779—2019: Standard Test Method for Determining Air Leakage Rate by Fan Pressurization;

(iv) E1827—22: Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door;

(v) E2178—2021a: Standard Test Method for Determining Air Leakage and Calculation of Air Permeance of Building Materials; and

(vi) E3158—18: Test Method for Measuring the Air Leakage Rate of a Large or Multizone Building.

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(5) ICC. The following publications published by International Code Council, Inc. are incorporated herein by reference:

(i) 2025 Building Code of New York State (publication date: July 2025);

(ii) 2025 Fire Code of New York State (publication date: July 2025);

(iii) 2025 Fuel Gas Code of New York State (publication date: July 2025);

(iv) 2025 Mechanical Code of New York State (publication date: July 2025);

(v) 2025 Plumbing Code of New York State (publication date: July 2025);

(vi) 2025 Property Maintenance Code of New York State (publication date: July 2025);

(vii) 2025 Residential Code of New York State (publication date: July 2025);

(viii) 2025 Existing Building Code of New York State (publication date: July 2025); and

(ix) NYS ASHRAE 90.1-2025, Energy Standard for Buildings Except Low-Rise Residential Buildings (publication date: July 2025).

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
International Code Council, Inc.
200 Massachusetts Avenue NW, Suite 250
Washington, DC 20001
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

(6) NFPA. The following publication published by National Fire Protection Association is incorporated hereby by reference: 70-23 National Electric Code.

Copies of the publication referenced in this paragraph may be obtained from the publisher at the following address:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02169
Copies of the publication referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue

Albany, NY 12231-0001.

(7) RESNET. The following publications published by Residential Energy Services Network are incorporated hereby by reference:

(i) ANSI/RESNET/ICC 301-2022: Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index--includes Addendum A, Approved July 28, 2022; and Addendum B, Approved October 12, 2022; and

(ii) ANSI/RESNET/ICC 380-2022: Standard for Testing Airtightness of Building, Dwelling Unit and Sleeping Unit Enclosures; Airtightness of Heating and Cooling Air Distribution Systems; and Airflow of Mechanical Ventilation Systems.

Copies of publications referenced in this paragraph may be obtained from the publisher at the following address:
Residential Energy Services Network
P.O. Box 4561
Oceanside, CA 92052
Copies of publications referenced in this paragraph are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.

Part 1240 State Energy Conservation Construction Code

19 NYCRR 1240.5

Section 1240.5. Exceptions

(a) Historic buildings. Compliance with the provisions of the energy code shall not be required for character-defining features of historic buildings where a historic building report, prepared in accordance with the energy code, has been submitted and approved by the building official.

(b) Other exceptions. The Energy Code contains exceptions for specific types of work in existing buildings and for unaltered portions of existing buildings as adopted by the state fire prevention and building code council provided that such exceptions shall not prevent the attainment of the compliance goals set forth in section 410(2)(c) of the American Recovery and Reinvestment Act of 2009.

Part 1240 State Energy Conservation Construction Code

19 NYCRR 1240.6

Section 1240.6. Fossil-fuel Equipment and Building Systems.

(a) Introduction. This section establishes standards for the installation of fossil-fuel equipment and building systems.

(b) Purpose. This section implements the provisions of subdivisions six, seven, and eight of section 11-104 of the Energy Law, as added by Part RR of Chapter 56 of the Laws of 2023.

(c) Definitions.

(1) Unless otherwise expressly stated, for the purposes of this section, the following terms shall be deemed to have the meanings set forth in this subdivision.

(i) *Agricultural building*. A building or structure which is designed and constructed to have its primary purpose to be part of a farm operation as defined in section 301 of the Agriculture and Markets Law, including, but not limited to, those located on a property that is within either a county adopted state certified agricultural district or on a property that has an active approval for an agricultural assessment. This definition excludes any building or structure used in whole or in part as a place of human habitation.

(ii) *Authority having jurisdiction*. Any city, town, village, county, state agency, or other governmental unit or agency responsible for administration and enforcement of either or both of the Uniform Code and Energy Code.

(iii) *Car wash*. A commercial building or structure, or portion thereof, containing fixed commercial equipment for washing vehicles either manually or automatically.

(iv) *Commercial food establishment*. A commercial building or structure, or portion thereof, excluding dwelling units or sleeping units, where food preparation is performed for consumption by the public either on-site or off-site, including, but not limited to, cooking, baking, boiling, broiling, frying, grilling, drying, roasting, heating, or reheating.

(v) *Crematorium*. A building or structure, or portion thereof, that uses heat and flame, to reduce human or animal remains or tissue to ashes and other residue.

(vi) *Critical infrastructure*. A building or structure, or portion thereof, used for or as any one of the following:

(*a*) public mass transit facility used for emergency evacuation;

(*b*) public utility facility or other power-generating station required as emergency backup facility for Risk Category IV structures, as indicated in Chapter 16 of the *2025 BCNYS*;

(*c*) storage of materials defined in the *2025 FCNYS* to be a health hazard where such materials would be a threat to the general public if released;

(*d*) aviation control tower, air traffic control center, and emergency aircraft hangar;

(*e*) national defense function;

(*f*) emergency management facility;

(*g*) wastewater treatment facility;

(*h*) water treatment and pumping facility; or

(*i*) flood control and pumping facility.

(vii) *Electrification ready*. A building or structure, or a portion thereof, which contains electrical systems, infrastructure, and designs that provide sufficient capacity, as determined by the Uniform Code or the Energy Code, for a future replacement of fossil-fuel equipment and building systems with electric-powered equipment.

(viii) *Emergency management facility*. A building or structure, or portion thereof, or system used to provide emergency services to the general public, including, but not limited to, emergency preparedness, communications and operations centers, disaster relief, emergency housing, fire protection, ambulance, rescue, police, emergency shelters, or other facilities required for emergency response, including the administrative and support facilities and vehicle storage facilities essential to the operation of such emergency management or functions, even if not contiguous.

(ix) *Fossil-fuel equipment and building systems* means:

(*a*) equipment, as such term is defined in section 11-102 of the Energy Law, that uses fossil-fuel for combustion; or

(*b*) systems 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. This shall not include systems that support an industrial or commercial process.

(x) *Fuel cell system*. A device or system that uses the chemical energy of a fuel, such as hydrogen, to produce electricity.

(xi) *Grid*. Grid shall have the same meaning as the term electric plant, as defined in section two of the public service law, including but not limited to the generation, transmission, and distribution of electricity.

(xii) *Hospital and other medical facility*. A building or structure, or portion thereof, where care involving medical or surgical procedures, nursing, or psychiatric purposes is performed or provided, which includes but is not limited to any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, or ambulatory surgical center.

(xiii) *Laboratory*. A commercial building or structure, or portion thereof, equipped for scientific experiments, research, teaching, testing, or for the manufacture of drugs or chemicals.

(xiv) *Laundromat*. A building or structure, or portion thereof, used for the commercial, institutional, or industrial washing of clothing, linens, rags, rugs, or other textiles by either the public or an employee(s) of the establishment.

(xv) *Local electric corporation*. An "electric corporation" as that term is defined under section two of the Public Service Law that has authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places where the building or development seeking new or expanded electric service is located.

(xvi) *Local utility*. A local utility shall mean a local electric corporation or municipal utility.

(xvii) *Manufactured home*. A building as defined in subdivision seven of section six hundred one of the Executive Law.

(xviii) *Manufacturing facility*. A building or structure, or portion thereof, that is used for manufacturing and industrial processing, including, but not limited to the fabrication or production of tangible products, chemicals, or materials, including processing that results in a change in the condition of such goods, chemicals, or material; such as those entities described by any of the North American Industry Classification System, classification codes 31 through 33, meeting this definition.

(xix) *Municipal utility*. A "municipality" as that term is defined under section two of the Public Service Law that has authority under any general or special law to lay down, erect, or maintain wires, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places within the municipality where the building or development seeking new or expanded electric service is located.

(xx) *Substantially complete building permit application*. A building permit application that, in the opinion of the authority having jurisdiction, includes sufficient information and documentation required by the stricter of either the authority having jurisdiction's Code Enforcement Program or the requirements set forth in Part 1203 of this Title, such that the authority having jurisdiction can examine the application and make a determination as to whether the proposed work is in conformance with the requirements of the Uniform Code and Energy Code.

(xxi) *Wastewater treatment facility*. A building or structure, or portion thereof, or equipment and processes required to collect, carry away, pump, and treat domestic and industrial wastes and dispose of the effluent.

(xxii) *Water treatment and pumping facility*. A building or structure, or portion thereof, used for a public water system which provides water to the public for human consumption through pipes or other constructed conveyances, including the collection, treatment, storage, and distribution facilities or equipment. This term shall also include any water storage facilities and pumping facilities required to maintain water pressure and flow for fire suppression.

(2) For this section, the term 2025 ECCCNYS shall have the meaning as ascribed to that term in section 1240.2 of this Title. The terms 2025 BCNYS, 2025 EBCNYS, 2025 FCNYS, 2025 FGCNYS, 2025 MCNYS, 2025 PCNYS, 2025 PMCNYS, and 2025 RCNYS shall have the meanings ascribed to those terms in section 1219.2 of this Title.

(3) Other terms. Terms used in this section and not defined in paragraphs (1) or (2) of this subdivision shall have the meanings ascribed to those terms in the 2025 ECCCNYS, the 2025 BCNYS, the 2025 EBCNYS, the 2025 FCNYS, the 2025 FGCNYS, the 2025 MCNYS, the 2025 PCNYS, the 2025 PMCNYS, and/or the 2025 RCNYS.

(d) Applicability of the prohibition against installation of fossil-fuel equipment and building systems in new buildings.

(1) General. Except as otherwise provided in subdivision (e) of this section, the installation of fossil-fuel equipment and building systems in new buildings, including any repair, alteration, addition, relocation, or change of occupancy or use of such building, shall be prohibited in:

(i) buildings not more than seven stories above grade plane in height, except for any commercial or industrial building greater than 100,000 square feet in conditioned floor area, for which a substantially complete building permit application for the initial construction of such building is submitted on or after December 31, 2025; and

(ii) all buildings for which a substantially complete building permit application for the initial construction of such building is submitted after December 31, 2028.

(2) The provisions set forth in paragraph (1) 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 equipment and building systems, including as related to cooking equipment, in any such buildings.

(e) Exemptions.

(1) Exempt. Notwithstanding the prohibition requirements in subdivision (d) of this section, fossil-fuel equipment and building systems shall be allowed in the following installations and uses:

(i) in a manufactured home;

(ii) in an agricultural building;

(iii) in a building or part of a building that is used as a critical infrastructure

(iv) in a building or part of a building that is used as a hospital or other medical facility; or

(v) for generation of emergency back-up power or standby power.

(2) Grid exemption. Fossil-fuel equipment and building systems shall be allowed when a building owner or applicant provides to the authority having jurisdiction a written determination, issued by local utility consistent with the orders or rules of the New York State Public Service Commission applicable to such determinations, indicating that new or expanded electric service cannot be reasonably provided to such building by the grid, as operated by the local utility.

(3) Conditionally exempt. Fossil-fuel equipment and building systems may be installed and used if the requirements of subparagraphs (i) and (ii) of this paragraph are met.

(i) type of facility: the fossil fuel equipment and building systems is installed and used in a building or a part of a building that is used as one of the following:

(*a*) car wash;

(*b*) commercial food establishment;

(*c*) crematorium;

(*d*) fuel cell system;

(*e*) laboratory;

(*f*) laundromat; or

(*g*) manufacturing facility.

(ii) Conditions: the applicant meets all of the following conditions:

(*a*) the fossil fuel equipment and building systems allowed pursuant to this exemption shall not include fossil-fuel equipment and building systems related to lighting; space conditioning, such as heating, humidification, ventilation, or cooling; and domestic water heating, and

(*b*) the fossil fuel equipment and building systems shall be subject to the following limitations, provided that such limitations do not adversely affect health, safety, security, or fire protection:

(*1*) the area or service within a new building where fossil-fuel equipment and building systems are installed shall be electrification ready, except for fossil-fuel equipment and building systems servicing a manufacturing facility or industrial process; and

(*2*) the building owner or applicant shall demonstrate to the authority having jurisdiction that emissions from fossil-fuel equipment and building systems are minimized through the use of alternative materials, equipment, or methods of construction that result in measurable emissions reductions or increased energy efficiency by means such as energy modeling, submittal of environmental product declarations (EPDs) and cut sheets comparing equipment that meets the minimum requirements against equipment used that exceeds those minimum requirements, and others depending on the strategy chosen by the applicant.