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Fuel Fired Appliance New York State Code change effective December 31, 2025

On July 25, 2025, the Code Council voted to adopt the 2025 Uniform Code and 2025 Energy Code. Notices of Adoption are anticipated to be filed in September 2025.

Upon filing the Notice of Adoption for the rule making, a transition period will commence.

The Uniform Code is anticipated to become effective on December 31, 2025; however, during the transition period between adoption of the rule and the date on which the changes to the Uniform Code become effective a person shall have the option of complying with either the provisions of the Uniform Code as changed (2025 Uniform Code), or with the provisions of the Uniform Code in effect immediately prior to the adoption (2020 Uniform Code).

The Energy Code is anticipated to become effective on December 31, 2025 and there is no transition period.

Section 1240.6 Fossil-fuel Equipment and Building Systems is a part of the Energy Code which will be effective December 31, 2025.

The language of 1240.6 can be found within the attached Energy Code rule text.

The law does not apply to buildings for which a "substantially complete" building permit application for the initial construction of such building is submitted before December 31, 2025.

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 ECCCNY shall have the meaning as ascribed to that term in section 1240.2 of this Title. The terms 2025 BCNY, 2025 EBCNY, 2025 FCNY, 2025 FGCNY, 2025 MCNY, 2025 PCNY, 2025 PMCNY, and 2025 RCNY 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 ECCCNY, the 2025 BCNY, the 2025 EBCNY, the 2025 FCNY, the 2025 FGCNY, the 2025 MCNY, the 2025 PCNY, the 2025 PMCNY, and/or the 2025 RCNY.

(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.