



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan & Colleagues Call on Governor to Drop Ban on Fossil Fuel Equipment from Budget

JIM RANNEY April 21, 2023

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Senator Patrick M. Gallivan, (R-C, Elma) and members of the New York State Senate Minority Conference are calling on Governor Hochul to drop proposals in her state budget that would ban fossil fuel equipment in residential and commercial buildings. The lawmakers say instead of pushing a one size fits all ban on natural gas and other fossil fuels, the state should seek a more affordable and realistic clean energy plan.

In her budget, Governor Hochul has included some of the initiatives put forth by the Climate Action Council as part of a plan to reduce greenhouse gas emissions and increase the use of renewable energy. Key recommendations include prohibiting propane, natural gas and oil equipment in new homes in 2025; banning installation of fossil fuel heating systems in existing homes by 2030; and ending the sale of natural gas appliances, including gas stoves, starting in 2035.

“As I have maintained all along, protecting the environment is important, but these proposals are unaffordable and unrealistic,” Senator Gallivan said. “Mandating these changes will put a huge financial burden on homeowners and businesses while jeopardizing the reliability of our electrical grid. We must pursue more reasonable and responsible clean energy solutions.”

In a letter to the governor, The Senate Minority members also cite a recent ruling from the U.S. Court of Appeals for the Ninth Circuit that held that a locality or state cannot ban natural gas hookups because it is preempted by federal law. The case, *California Restaurant Association v. City of Berkeley*, involved a City of Berkeley ordinance that sought to eliminate obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where all-electric infrastructure can be integrated.

The Appeals Court held that the Berkeley ordinance was preempted by the Federal Energy Police and Conservation Act, which expressly preempts state and local regulations related to energy use of many natural gas appliances.

The lawmakers urge the governor to drop her energy proposals and instead focus on issues such as public safety and affordability.