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DATE: March 3, 2023

TO: New York State Governor
New York State Senator
New York State Assemblymember

FROM: Building Owners and Managers Association of Greater Buffalo

RE: Reject Proposed Gas Ban in New York State

The Building Owners and Managers Association of Greater Buffalo (“BOMA Buffalo”) is an apolitical not-for-profit organization that supports the best interest of the commercial real estate industry. Our membership includes commercial building owners that represent over 53 million square feet of office space in greater Buffalo, in addition to real estate developers, engineers, architects, and contractors that provide services to the buildings.

BOMA Buffalo supports the purpose of the Climate Leadership and Community Protection Act (CLCPA) as it pertains to climate justice, reduction in greenhouse gas emissions, and a cleaner more sustainable planet. However, there are many concerns about how New York State attains these goals, and we are asking for your attention.

It is unacceptable and unsafe for New York State to limit reliable energy options for residents and building owners in the timeline that is being proposed. BOMA Buffalo believes there can be a smarter, safer, and more responsible plan for New York State to achieve a lower-carbon economy. The Western New York regional weather is known to have significantly colder temperatures than the downstate region. The dependence on a single energy system during extreme weather is concerning and is a LifeSafety issue for Western New York residents, tenants, and building owners.

The NYS budget proposal to gradually but swiftly ban the use of natural gas and other fuels in the State of New York is artificially accelerating the electrification of buildings by specific dates. There are serious concerns surrounding the readiness and reliability of the electrical grid. The provisions below are concerning to the BOMA Buffalo members in Western New York:

The prohibition of the installation of gas equipment and buildings systems in new construction:

- Starting Dec. 31, 2025, for new one-family homes, multi-family residential buildings of three stories or less
- Starting Dec 31, 2028, for all multi-family residential and new commercial buildings

The prohibition of the installations of gas space and water heating and related building systems when retrofitting:

- Starting Jan. 1, 2030, for residential and multi-family buildings three stories or less
- Starting Jan. 1, 2035, for all multi-family and commercial buildings

In addition, BOMA Buffalo is concerned about the requirement for certain building owners to submit energy benchmarking data annually to the New York State Energy Research and Development Authority (NYSERDA) beginning May 1, 2025 and the establishment of fines and compliance penalties resulting from the failure to meet these requirements.

These requirements put unattainable timelines regarding data collection and/or building conversions. BOMA Buffalo believes this is an aggressive and unrealistic timeline for building owners to plan, fund, and purchase, and make the necessary changes to retrofit their buildings to meet the new standards. Commercial buildings have systems in place that may have up to a 15-year life span that retrofitting is an undue expense for commercial building owners.

Though the proposal includes several potential exemptions, they are at the discretion of the Code Council to grant or not, and the Code Council will periodically review and amend such exemptions as necessary, leaving uncertainty for businesses and homeowners in planning for a safe, reliable, and affordable energy future.

BOMA Buffalo rejects this proposal and would like to see a more realistic and responsible path without risking energy reliability, safety, and affordability. Please refuse support for a budget that includes a natural gas ban.

Thank you for your attention to these issues. You may contact the BOMA Office at (716) 856-3801 to discuss these concerns.

Sincerely,

Building Owners and Managers Association of Greater Buffalo