

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR LORIGO, MILLS, GREENE, TODARO**

**Re: Supporting Assembly Bill A9189, the "Upstate Energy Choice Act"**

**WHEREAS**, New York State enacted Part RR of Chapter 56 of the Laws of 2023, which prohibits the installation of fossil-fuel equipment and building systems in new construction; and

**WHEREAS**, upstate communities rely heavily on natural gas and other fossil fuels for residential and commercial heating due to a variety of factors including, but not limited to, existing natural gas distribution infrastructure, older housing stock, building density patterns, limited grid capacity, and long-standing consumer reliance on affordable and dispatchable energy sources; and

**WHEREAS**, the Buffalo Niagara region has experienced temperatures running approximately 25% below normal in February 2026, with the last nine days of January running 41% colder than normal, underscoring the critical dependence of Western New York residents on reliable and affordable natural gas heating; and

**WHEREAS**, the current statewide ban on fossil-fuel equipment in new construction presents significant challenges to new housing development, commercial development, and economic investment in Western New York; and

**WHEREAS**, many communities cannot support a full transition to all-electric building systems in new construction; and

**WHEREAS**, Assembly Bill A9189, the "Upstate Energy Choice Act," introduced by Assemblymember Bologna, would limit the fossil-fuel equipment installation prohibition and related decarbonization requirements to cities with a population of one million or more, thereby recognizing the distinct needs of upstate communities; and

**WHEREAS**, the Erie County Legislature believes energy policy should reflect regional infrastructure capacity, economic realities, and public safety considerations, and that communities outside of New York City should retain flexibility in determining appropriate building energy systems.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature hereby supports the passage of Assembly Bill A9189, the "Upstate Energy Choice Act;" and be it further

**RESOLVED**, that the Erie County Legislature urges the New York State Legislature to consider and enact this legislation; and be it further

**RESOLVED**, that certified copies of this resolution be transmitted to the New York State Governor, the Majority Leader of the NYS Senate, the Speaker of the NYS Assembly, and members of the Western New York Delegation.