

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2023**

---

**No. 32**

---

Introduced by Council Members Gennaro, Cabán, Brannan, Brewer, Joseph, Nurse, Abreu, Restler, Won, Avilés, Sanchez, De La Rosa, Barron, Hanif, Menin, Bottcher, Ayala, Farías, Hudson, Riley, Krishnan, Velázquez, Gutiérrez, Powers, Rivera, Marte, Ung, Brooks-Powers, Narcisse, Dinowitz, Williams, Salamanca, Hanks, Holden, Moya, Richardson Jordan, Ossé, Stevens, Louis, Feliz and Lee.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to phasing out the use of fuel oil grade no. 4**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (b) of section 24-110 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

(b) Any variance granted pursuant to this section shall be granted for such period of time as shall be specified by the commissioner at the time of the grant of such variance and upon the condition that the person who receives such variance shall provide such documentation as the commissioner shall specify, *provided that such period of time shall extend to a date no later than January 1, 2030 for compliance with subdivision (d) of section 24-168 of this code.* Such variance may be extended by affirmative action of the commissioner, but only if satisfactory progress has been shown.

§ 2. Section 24-168 of the administrative code of the city of New York, as amended, and subdivision (f) as added, by local law number 31 for the year 2018, is amended to read as follows:

§ 24-168 Use of proper fuel in fuel burning equipment. (a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment that is not designed to burn that kind or grade of fuel.

Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel in fuel burning equipment that is adapted for such use.

(b) No person shall cause or permit the burning of refuse material in fuel burning equipment unless the equipment is designed to burn refuse material.

(c) [Except as provided in subdivision (f) of this section, no] *No person shall cause or permit a boiler to burn residual fuel oil on or after January 1, 2020.*

(d) [Except as provided in subdivision (f) of this section, no] *No person shall cause or permit a boiler to burn fuel oil grade no. 4 on or after [January 1, 2030] July 1, 2027, or for a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, on or after January 1, 2025. No work permit, certificate of operation, or registration for a boiler to burn fuel oil grade no. 4 shall be issued or renewed on or after June 30, 2024.*

(e) No person shall cause or permit the use of a kind or grade of fuel in a diesel powered generator other than ultra low sulfur diesel.

(f) [Notwithstanding any other provision of this section, at the election of the owner or operator of a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, residual fuel oil may be burned in such boiler until December 31, 2021, if such owner or operator notifies the department of such election on or before June 30, 2019, in a form and manner established by the department, and provided further that on and after January 1, 2022, no person shall cause or permit such boiler to burn residual fuel oil or fuel oil grade no. 4] *Notwithstanding the provisions of subdivision (d), no person shall cause or permit a boiler to burn fuel oil grade no. 4 in a boiler in a city property or in a public school building operated by the department of education on or after July 1, 2025. For the purposes of this section, the term "city property" shall mean any real property leased or owned by the city that serves a city governmental purpose and over which the city has operational control.*

§ 3. The rows setting the minimum and maximum penalties for violations of sections 24-168 and 24-168.1 of the administrative code of the city of New York in the table of civil penalties following subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York, as added by local law number 38 for the year 2015, are amended to read as follows:

| <b>TABLE OF CIVIL PENALTIES</b> |                |                  |
|---------------------------------|----------------|------------------|
| <b>Violation</b>                | <b>Minimum</b> | <b>Maximum</b>   |
| 24-168                          | [\$800] 2500   | [\$3,200] 10,000 |
| 24-168.1                        | [\$800] 2500   | [\$3,200] 10,000 |

§ 4. If, solely due to the work required to comply with subdivision (d) of section 24-168 of the administrative code of the city of New York, any additional New York city construction code requirements are triggered for the boiler or related components, then an owner may apply to the department of buildings for a temporary extension to the date by which such additional requirements must be met to January 1, 2030 at the latest. The department of buildings may issue such extension if (i) such owner certifies that such building is or will soon be in compliance with subdivision (d) and (ii) failure to comply with such additional requirements for the duration of the temporary extension would not pose a risk to public safety.

§ 5. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 16, 2023 and approved by the Mayor on March 6, 2023.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 32 of 2023, Council Int. No. 470-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.