STATE OF NEW YORK

8621

2025-2026 Regular Sessions

IN SENATE

December 17, 2025

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the energy law, in relation to returning the state's energy codes to the 2020 provisions; and to repeal certain provisions of such law relating to the state energy conservation construction code

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 3-101 of the energy law, as amended by chapter 374 of the laws of 2022, is amended to read as follows:

2. to encourage conservation of energy [~~and to promote the clean energy and climate agenda, including but not limited to greenhouse gas reduction, set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act,~~] in the construction and operation of new commercial, industrial, agricultural and residential buildings, and in the rehabilitation of existing structures, through heating, cooling, ventilation, lighting, insulation and design techniques and the use of energy audits and life-cycle costing analysis;

§ 2. Subdivision 3 of section 11-102 of the energy law, as amended by chapter 374 of the laws of 2022, is amended to read as follows:

3. "ASHRAE [~~90.1~~] **90.1-2016**." ANSI/ASHRAE/IES Standard [~~90.1~~] **90.1-2016**, entitled "Energy Standard for Buildings Except Low-Rise Residential Buildings," published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

§ 3. Subdivision 2 of section 11-103 of the energy law, as amended by chapter 374 of the laws of 2022, is amended to read as follows:

2. [~~(a)~~] The state fire prevention and building code council is authorized, from time to time as it deems appropriate and consistent with the purposes of this article, to review and amend the code, or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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adopt a new code, through rules and regulations provided that the code remains cost effective with respect to building construction in the state. In determining whether the code remains cost effective, the code council shall consider [~~(i) whether the life-cycle costs for a building will be recovered through savings in energy costs over the design life of the building under a life-cycle cost analysis performed under methodology as established by the New York state energy research and development authority in regulations which may be updated from time to time, and (ii) secondary or societal effects, such as reductions in greenhouse gas emissions, as defined in regulations. Before publication of a notice of proposed rule making establishing the methodology or defining secondary or societal effects, the president of the authority shall conduct public meetings to provide meaningful opportunities for public comment from all segments of the population that would be impacted by the regulations, including persons living in disadvantaged communities as identified by the climate justice working group established under section 75-0111 of the environmental conservation law~~] **whether the cost of materials and their installation necessary to meet code standards would be equal to or less than the present value of energy savings that could be expected over a ten year period in the building in which such materials are installed**. For residential buildings, the code shall meet or exceed the [~~then most recently published~~] **2018** International Energy Conservation Code, or achieve equivalent or greater energy savings; and for commercial buildings, the code shall meet or exceed [~~the then most recently published~~] ASHRAE [~~90.1~~] **90.1-2016**, or achieve equivalent or greater energy savings.

[~~(b) When adopting the first amended version of the code next following the effective date of the chapter of the laws of two thousand twenty-two that added this paragraph and any subsequent codes, the state fire prevention and building code council shall use its best efforts to adopt provisions for residential buildings that achieve energy savings greater than energy savings achieved by the then most recently published International Energy Conservation Code and to adopt provisions for commercial buildings that achieve energy savings greater than energy savings achieved by the then most recently published ASHRAE 90.1, both at levels recommended by the New York state energy research and development authority, provided that the state fire prevention and building code council determines that such advanced energy savings can be achieved while still meeting the cost effectiveness considerations contemplated by this subdivision.~~]

§ 4. Subdivisions 6, 7, 8 and 9 of section 11-104 of the energy law are REPEALED.

§ 5. This act shall take effect immediately.