S T A T E O F N E W Y O R K

10288--A

I N A S S E M B L Y

March 16, 2010

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the energy law, in relation to updating 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 820 of the laws of 1976, is amended and a new subdivision 2-a is added to read as follows:

2. to encourage conservation of energy in the construction and operation of new commercial, industrial, 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, AND THROUGH OTHER TECHNIQUES REQUIRED OR AUTHORIZED BY THE MOST RECENTLY PUBLISHED INTERNATIONAL ENERGY CONSERVATION CODE AND THE MOST RECENTLY PUBLISHED ANSI/ASHRAE/IESNA STANDARD 90.1;

2-A. TO PROVIDE FOR A STATE ENERGY CODE FOR RESIDENTIAL BUILDINGS, AND FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH CODE IN A MANNER THAT ACHIEVES COMPLIANCE WITH SUCH CODE IN AT LEAST NINETY PERCENT OF NEW AND RENOVATED RESIDENTIAL BUILDING SPACE IN THE STATE SUBJECT TO SUCH CODE;

S 2. Section 11-101 of the energy law, as amended by chapter 516 of the laws of 1984, is amended to read as follows:

S 11-101. Purpose. In furtherance of the policy set forth in subdivision two of section 3-101 of this chapter, the legislature hereby directs that a state energy conservation construction code be adopted to protect the health, safety and security of the people of the state and to assure a continuing supply of energy for future generations and that such code mandate that [economically] reasonable energy conservation techniques be used in the design and construction of all public and private buildings in the state.

S 3. Subdivision 2 of section 11-103 of the energy law, as amended by chapter 292 of the laws of 1998, is amended to read as follows:

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

LBD15289-06-0

2. [The] (A) EACH TIME A REVISED OR UPDATED EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE IS PUBLISHED, THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE, WITHIN EIGHTEEN MONTHS, RULES AND REGULATIONS AMENDING THOSE PORTIONS OF THE CODE THAT APPLY TO RESIDENTIAL BUILDINGS IN SUCH A MANNER TO CAUSE SUCH PORTIONS OF THE CODE TO BE A BUILDING ENERGY CODE FOR RESIDENTIAL BUILDINGS THROUGHOUT THE STATE THAT MEETS OR EXCEEDS SUCH REVISED OR UPDATED EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE OR ACHIEVES EQUIVALENT OR GREATER ENERGY SAVINGS, OR TO AFFIRMATIVELY REJECT ANY PROVISIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE WHICH, IN THE JUDGMENT OF THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL, IS NOT APPROPRIATE FOR INCLUSION IN THE NEW YORK STATE BUILDING ENERGY CODE AND PROVIDE A REASONED ELABORATION OF THE DECISION TO REJECT SUCH PROVISIONS.

(B) IN ADDITION, 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 through rules and regulations provided that [the code remains cost effective with respect to building construction in the state. The code shall be deemed cost effective if the cost of materials and their installation to meet its 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], AFTER SUCH AMENDMENT, THOSE PORTIONS OF THE CODE THAT APPLY TO RESIDENTIAL BUILDINGS CONTINUE TO MEET OR EXCEED THE THEN MOST RECENTLY PUBLISHED INTERNATIONAL ENERGY CONSERVATION CODE, OR ACHIEVE EQUIVALENT OR GREATER ENERGY SAVINGS.

S 4. The energy law is amended by adding a new section 11-111 to read as follows:

S 11-111. MANDATORY ENERGY EFFICIENCY RATING. 1. ALL NEW RESIDENTIAL BUILDINGS SHALL BE REQUIRED TO UNDERGO A HOME ENERGY RATING SYSTEM (HERS) RATING, AS DEFINED BY THE RESIDENTIAL ENERGY SERVICES NETWORK (RESNET), BY A CERTIFIED HERS RATER, OR A RATING GENERATED THROUGH AN EQUIVALENT RATING SYSTEM THAT INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA, AS APPROVED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

2. ALL NEW RESIDENTIAL BUILDINGS MUST DEMONSTRATE A TWENTY PERCENT OR GREATER REDUCTION IN MODELED ENERGY CONSUMPTION AS COMPARED TO A REFERENCE BUILDING OF THE SAME SIZE AND CONFIGURATION INCORPORATING ALL PRESCRIPTIVE STANDARDS OF THE NEW YORK STATE BUILDING ENERGY CODE, AS EVIDENCED BY ACHIEVING A MINIMUM HERS RATING OF EIGHTY-FOUR ON THE CURRENT EXPANDED HERS SCORING SYSTEM ADOPTED BY THE STATE OF NEW YORK, OR IF APPROVED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AN INDEX OF EIGHTY OR LESS AS DEFINED IN THE "2006 MORTGAGE INDUSTRY NATIONAL HOME ENERGY RATING SYSTEMS STANDARDS," PROMULGATED BY THE RESNET, OR A RATING OR SCORE THAT DEMONSTRATES EQUIVALENT ENERGY PERFORMANCE AS DETERMINED BY ANY OTHER SUCCESSOR RATING SYSTEM APPROVED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY WHICH INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA.

3. ALL NEW RESIDENTIAL BUILDINGS INCLUDING A SINGLE DWELLING UNIT OF SIX THOUSAND FEET OR GREATER FLOOR AREA MUST DEMONSTRATE A THIRTY-FIVE PERCENT OR GREATER REDUCTION IN MODELED ENERGY CONSUMPTION AS COMPARED TO A REFERENCE BUILDING OF THE SAME SIZE AND CONFIGURATION BUILT TO THE MINIMUM PRESCRIPTIVE STANDARDS OF THE NEW YORK STATE BUILDING ENERGY CODE, AS EVIDENCED BY ACHIEVING A MINIMUM HERS RATING OR EIGHTY-SEVEN ON THE CURRENT EXPANDED HERS SCORING SYSTEM ADOPTED BY THE STATE OF NEW YORK, AN INDEX OF SIXTY-FIVE OR LESS AS DEFINED IN THE "2006 MORTGAGE

INDUSTRY NATIONAL HOME ENERGY RATING SYSTEMS STANDARDS," PROMULGATED BY RESNET, OR A RATING OR SCORE THAT DEMONSTRATES EQUIVALENT ENERGY PERFORMANCE AS DETERMINED BY ANY OTHER SUCCESSOR RATING SYSTEM APPROVED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY WHICH INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA.

S 5. This act shall take effect immediately.