

10288

I N   A S S E M B L Y

March 16, 2010

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the  
Committee on Energy

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 3-101 of the energy law, as  
2     amended by chapter 820 of the laws of 1976, is amended and a new subdi-  
3     vision 2-a is added to read as follows:  
4     2. to encourage conservation of energy in the construction and opera-  
5     tion of new commercial, industrial, and residential buildings, and in  
6     the rehabilitation of existing structures, through heating, cooling,  
7     ventilation, lighting, insulation and design techniques and the use of  
8     energy audits and life-cycle costing analysis, AND THROUGH OTHER TECH-  
9     Niques REQUIRED OR AUTHORIZED BY THE MOST RECENTLY PUBLISHED INTERNA-  
10    TIONAL ENERGY CONSERVATION CODE AND THE MOST RECENTLY PUBLISHED  
11    ANSI/ASHRAE/IESNA STANDARD 90.1;  
12    2-A. TO PROVIDE FOR A STATE ENERGY CODE FOR RESIDENTIAL BUILDINGS, AND  
13    FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH CODE IN A MANNER THAT  
14    ACHIEVES COMPLIANCE WITH SUCH CODE IN AT LEAST NINETY PERCENT OF NEW AND  
15    RENOVATED RESIDENTIAL BUILDING SPACE IN THE STATE SUBJECT TO SUCH CODE;  
16    S 2. Section 11-101 of the energy law, as amended by chapter 516 of  
17    the laws of 1984, is amended to read as follows:  
18    S 11-101. Purpose. In furtherance of the policy set forth in subdivi-  
19    sion two of section 3-101 of this chapter, the legislature hereby  
20    directs that a state energy conservation construction code be adopted to  
21    protect the health, safety and security of the people of the state and  
22    to assure a continuing supply of energy for future generations and that  
23    such code mandate that [economically] reasonable energy conservation  
24    techniques be used in the design and construction of all public and  
25    private buildings in the state.  
26    S 3. Subdivision 2 of section 11-103 of the energy law, as amended by  
27    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.

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1 2. [The] (A) EACH TIME A REVISED OR UPDATED EDITION OF THE INTERNA-  
2 TIONAL ENERGY CONSERVATION CODE IS PUBLISHED, THE STATE FIRE PREVENTION  
3 AND BUILDING CODE COUNCIL IS HEREBY AUTHORIZED AND DIRECTED TO PROMUL-  
4 GATE, WITHIN SIX MONTHS, RULES AND REGULATIONS AMENDING THOSE PORTIONS  
5 OF THE CODE THAT APPLY TO RESIDENTIAL BUILDINGS IN SUCH A MANNER TO  
6 CAUSE SUCH PORTIONS OF THE CODE TO BE A BUILDING ENERGY CODE FOR RESI-  
7 DENTIAL BUILDINGS THROUGHOUT THE STATE THAT MEETS OR EXCEEDS SUCH  
8 REVISED OR UPDATED EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE  
9 OR ACHIEVES EQUIVALENT OR GREATER ENERGY SAVINGS.

10 (B) IN ADDITION, THE state fire prevention and building code council  
11 is authorized, from time to time as it deems appropriate and consistent  
12 with the purposes of this article, to review and amend the code through  
13 rules and regulations provided that [the code remains cost effective  
14 with respect to building construction in the state. The code shall be  
15 deemed cost effective if the cost of materials and their installation to  
16 meet its standards would be equal to or less than the present value of  
17 energy savings that could be expected over a ten year period in the  
18 building in which such materials are installed], AFTER SUCH AMENDMENT,  
19 THOSE PORTIONS OF THE CODE THAT APPLY TO RESIDENTIAL BUILDINGS CONTINUE  
20 TO MEET OR EXCEED THE THEN MOST RECENTLY PUBLISHED INTERNATIONAL ENERGY  
21 CONSERVATION CODE, OR ACHIEVE EQUIVALENT OR GREATER ENERGY SAVINGS.

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

24 S 11-111. MANDATORY ENERGY EFFICIENCY RATING. 1. ALL NEW RESIDENTIAL  
25 BUILDINGS SHALL BE REQUIRED TO UNDERGO A HOME ENERGY RATING SYSTEM  
26 (HERS) RATING, AS DEFINED BY THE RESIDENTIAL ENERGY SERVICES NETWORK  
27 (RESNET), BY A CERTIFIED HERS RATER, OR A RATING GENERATED THROUGH AN  
28 EQUIVALENT RATING SYSTEM THAT INCLUDES MEASURING ACTUAL BUILDING  
29 PERFORMANCE DATA, AS APPROVED BY THE STATE FIRE PREVENTION AND BUILDING  
30 CODE COUNCIL.

31 2. ALL NEW RESIDENTIAL BUILDINGS MUST ACHIEVE A MINIMUM HERS RATING OF  
32 EIGHTY-FOUR ON THE CURRENT EXPANDED HERS SCORING SYSTEM ADOPTED BY THE  
33 STATE OF NEW YORK, WHICH CORRESPONDS TO AN INDEX OF EIGHTY OR LESS AS  
34 DEFINED IN THE "2006 MORTGAGE INDUSTRY NATIONAL HOME ENERGY RATING  
35 SYSTEMS STANDARDS," PROMULGATED BY THE RESNET, OR DEMONSTRATE EQUIVALENT  
36 ENERGY PERFORMANCE AS DETERMINED BY AN EQUIVALENT RATING SYSTEM THAT  
37 INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA, AS APPROVED BY THE  
38 STATE FIRE PREVENTION AND BUILDING CODE COUNCIL.

39 3. ALL NEW RESIDENTIAL BUILDINGS INCLUDING A SINGLE DWELLING UNIT OF  
40 SIX THOUSAND FEET OR GREATER FLOOR AREA MUST ACHIEVE A MINIMUM HERS  
41 RATING OF EIGHTY-SEVEN ON THE CURRENT EXPANDED HERS SCORING SYSTEM  
42 ADOPTED BY THE STATE OF NEW YORK, WHICH CORRESPONDS TO AN INDEX OF  
43 SIXTY-FIVE OR LESS AS DEFINED IN THE "2006 MORTGAGE INDUSTRY NATIONAL  
44 HOME ENERGY RATING SYSTEMS STANDARDS," PROMULGATED BY THE RESNET, OR  
45 DEMONSTRATE EQUIVALENT ENERGY PERFORMANCE AS DETERMINED BY AN EQUIVALENT  
46 RATING SYSTEM THAT INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA,  
47 AS APPROVED BY THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL.

48 S 5. This act shall take effect immediately.