

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:

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 NIQUE 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 EIGHTEEN MONTHS, RULES AND REGULATIONS AMENDING THOSE
5 PORTIONS OF THE CODE THAT APPLY TO RESIDENTIAL BUILDINGS IN SUCH A
6 MANNER TO CAUSE SUCH PORTIONS OF THE CODE TO BE A BUILDING ENERGY CODE
7 FOR RESIDENTIAL BUILDINGS THROUGHOUT THE STATE THAT MEETS OR EXCEEDS
8 SUCH REVISED OR UPDATED EDITION OF THE INTERNATIONAL ENERGY CONSERVATION
9 CODE OR ACHIEVES EQUIVALENT OR GREATER ENERGY SAVINGS, OR TO AFFIRMA-
10 TIVELY REJECT ANY PROVISIONS OF THE INTERNATIONAL ENERGY CONSERVATION
11 CODE WHICH, IN THE JUDGMENT OF THE STATE FIRE PREVENTION AND BUILDING
12 CODE COUNCIL, IS NOT APPROPRIATE FOR INCLUSION IN THE NEW YORK STATE
13 BUILDING ENERGY CODE AND PROVIDE A REASONED ELABORATION OF THE DECISION
14 TO REJECT SUCH PROVISIONS.

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

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

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

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

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

1 INDUSTRY NATIONAL HOME ENERGY RATING SYSTEMS STANDARDS," PROMULGATED BY
2 RESNET, OR A RATING OR SCORE THAT DEMONSTRATES EQUIVALENT ENERGY
3 PERFORMANCE AS DETERMINED BY ANY OTHER SUCCESSOR RATING SYSTEM APPROVED
4 BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY WHICH
5 INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA.
6 S 5. This act shall take effect immediately.