

6912

I N S E N A T E

February 24, 2010

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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 subdivi-
3 sion 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.