

5533

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT, LATIMER, GALEF, CASTELLI, SCHIMEL --  
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.

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

LBD09140-01-1

1 S 3. Subdivision 2 of section 11-103 of the energy law, as amended by  
2 chapter 560 of the laws of 2010, is amended to read as follows:

3 2. [The] (A) EACH TIME A REVISED OR UPDATED EDITION OF THE INTERNA-  
4 TIONAL ENERGY CONSERVATION CODE IS PUBLISHED, THE STATE FIRE PREVENTION  
5 AND BUILDING CODE COUNCIL IS HEREBY AUTHORIZED AND DIRECTED TO PROMUL-  
6 GATE, WITHIN EIGHTEEN MONTHS, RULES AND REGULATIONS AMENDING THOSE  
7 PORTIONS OF THE CODE THAT APPLY TO RESIDENTIAL BUILDINGS IN SUCH A  
8 MANNER TO CAUSE SUCH PORTIONS OF THE CODE TO BE A BUILDING ENERGY CODE  
9 FOR RESIDENTIAL BUILDINGS THROUGHOUT THE STATE THAT MEETS OR EXCEEDS  
10 SUCH REVISED OR UPDATED EDITION OF THE INTERNATIONAL ENERGY CONSERVATION  
11 CODE OR ACHIEVES EQUIVALENT OR GREATER ENERGY SAVINGS, OR TO AFFIRMA-  
12 TIVELY REJECT ANY PROVISIONS OF THE INTERNATIONAL ENERGY CONSERVATION  
13 CODE WHICH, IN THE JUDGMENT OF THE STATE FIRE PREVENTION AND BUILDING  
14 CODE COUNCIL, IS NOT APPROPRIATE FOR INCLUSION IN THE NEW YORK STATE  
15 BUILDING ENERGY CODE AND PROVIDE A REASONED ELABORATION OF THE DECISION  
16 TO REJECT SUCH PROVISIONS.

17 (B) IN ADDITION, THE state fire prevention and building code council  
18 is authorized, from time to time as it deems appropriate and consistent  
19 with the purposes of this article, to review and amend the code, or  
20 adopt a new code, through rules and regulations [provided that the code  
21 remains cost effective with respect to building construction in the  
22 state. In determining whether the code remains cost effective, the code  
23 council shall consider whether the cost of materials and their installa-  
24 tion to meet its standards would be equal to or less than the present  
25 value of energy savings that could be expected over a ten year period in  
26 the building in which such materials are installed]. For residential  
27 buildings, the code shall meet or exceed the then most recently  
28 published International Energy Conservation Code, or achieve equivalent  
29 or greater energy savings; and for commercial buildings, the code shall  
30 meet or exceed ASHRAE 90.1-2007, or achieve equivalent or greater energy  
31 savings.

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

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

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

54 3. ALL NEW RESIDENTIAL BUILDINGS INCLUDING A SINGLE DWELLING UNIT OF  
55 SIX THOUSAND FEET OR GREATER FLOOR AREA MUST DEMONSTRATE A THIRTY-FIVE  
56 PERCENT OR GREATER REDUCTION IN MODELED ENERGY CONSUMPTION AS COMPARED

1 TO A REFERENCE BUILDING OF THE SAME SIZE AND CONFIGURATION BUILT TO THE  
2 MINIMUM PRESCRIPTIVE STANDARDS OF THE NEW YORK STATE BUILDING ENERGY  
3 CODE, AS EVIDENCED BY ACHIEVING A MINIMUM HERS RATING OR EIGHTY-SEVEN ON  
4 THE CURRENT EXPANDED HERS SCORING SYSTEM ADOPTED BY THE STATE OF NEW  
5 YORK, AN INDEX OF SIXTY-FIVE OR LESS AS DEFINED IN THE "2006 MORTGAGE  
6 INDUSTRY NATIONAL HOME ENERGY RATING SYSTEMS STANDARDS," PROMULGATED BY  
7 RESNET, OR A RATING OR SCORE THAT DEMONSTRATES EQUIVALENT ENERGY  
8 PERFORMANCE AS DETERMINED BY ANY OTHER SUCCESSOR RATING SYSTEM APPROVED  
9 BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY WHICH  
10 INCLUDES MEASURING ACTUAL BUILDING PERFORMANCE DATA.

11 S 5. This act shall take effect immediately.