

# STATE OF NEW YORK

3559--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 27, 2021

Introduced by M. of A. HUNTER, PEOPLES-STOKES, WALLACE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the energy law, in relation to requiring the updating of the state uniform fire prevention and building code and the state energy conservation construction code on the basis of update of certain international codes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 377 of the executive law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. Each time a revised or updated edition of the International Building Code, the International Fire Code, the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Existing Building Code, the International Property Maintenance Code or the National Electrical Code is published, the council shall, twelve months after publication of a revised or updated edition, cause the uniform fire prevention and building code to be updated to reflect changes in any such revised or updated edition. To the extent that the uniform fire prevention and building code has not been updated to reflect changes in any such revised or updated edition as of the effective date of this act, the council shall, as soon as practicable and no later than twelve months after the effective date of this act, cause the uniform fire prevention and building code to be updated to reflect such changes.

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

§ 11-101. Purpose. In furtherance of the [~~policy~~] policies set forth in subdivision two of section 3-101 of this chapter and in chapter one hundred six of the laws of two thousand nineteen enacting the New York

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

LBD05956-03-1

1 state climate leadership and community protection act, the legislature  
2 hereby directs that a state energy conservation construction code be  
3 adopted to protect the health, safety and security of the people of the  
4 state and to assure a continuing supply of energy for future generations  
5 and that such code mandate that [~~economically~~] reasonable energy conser-  
6 vation techniques be used in the design and construction of all public  
7 and private buildings in the state.

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

10 2. (a) The state fire prevention and building code council is author-  
11 ized, from time to time as it deems appropriate and consistent with the  
12 purposes of this article, to review and amend the code, or adopt a new  
13 code, through rules and regulations [~~provided that the code remains cost~~  
14 ~~effective with respect to building construction in the state. In deter-~~  
15 ~~mining whether the code remains cost effective, the code council shall~~  
16 ~~consider whether the cost of materials and their installation to meet~~  
17 ~~its standards would be equal to or less than the present value of energy~~  
18 ~~savings that could be expected over a ten year period in the building in~~  
19 ~~which such materials are installed~~]. For residential buildings, the code  
20 shall meet or exceed the then most recently published International  
21 Energy Conservation Code, or achieve equivalent or greater energy  
22 savings; and for commercial buildings, the code shall meet or exceed  
23 [~~ASHRAE 90.1-2007~~] the then most recently published ANSI/ASHRAE/IESNA  
24 Standard 90.1, or achieve equivalent or greater energy savings.

25 (b) The state fire prevention and building code council shall, as soon  
26 as practicable and no later than twelve months after the publication of  
27 each revised or updated edition of the International Energy Conservation  
28 Code or the ANSI/ASHRAE/IESNA Standard 90.1, cause the state energy  
29 conservation construction code to be updated to reflect changes in any  
30 such revised or updated edition. To the extent that the state energy  
31 conservation construction code has not been updated to reflect changes  
32 in any such revised or updated edition as of the effective date of this  
33 act, the council shall, as soon as practicable and no later than twelve  
34 months after the effective date of this act, cause the state energy  
35 conservation construction code to be updated to reflect such changes.

36 § 4. This act shall take effect immediately.