STATE OF NEW YORK

3559--B

2021-2022 Regular Sessions

IN ASSEMBLY

January 27, 2021

Introduced by M. of A. HUNTER, PEOPLES-STOKES, WALLACE, GRIFFIN, GALEF, JACOBSON -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- again reported from said committee with amendments, 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, eighteen 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 subdivision, the council shall, as soon as practicable and no later than eighteen months after the effective date of this subdivision, cause the uniform fire prevention and building code to be updated to reflect such changes.

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

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

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

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

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

§ 4. This act shall take effect immediately.