

# STATE OF NEW YORK

6210--B

Cal. No. 339

2021-2022 Regular Sessions

## IN SENATE

April 15, 2021

Introduced by Sens. SKOUFIS, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

3 2. Each time a revised or updated edition of the International Build-  
4 ing Code, the International Fire Code, the International Residential  
5 Code, the International Plumbing Code, the International Mechanical  
6 Code, the International Fuel Gas Code, the International Existing Build-  
7 ing Code, the International Property Maintenance Code or the National  
8 Electrical Code is published, the council shall, eighteen months after  
9 publication of a revised or updated edition, cause the uniform fire  
10 prevention and building code to be updated to reflect changes in any  
11 such revised or updated edition. To the extent that the uniform fire  
12 prevention and building code has not been updated to reflect changes in  
13 any such revised or updated edition as of the effective date of this  
14 subdivision, the council shall, as soon as practicable and no later than

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

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1 eighteen months after the effective date of this subdivision, cause the  
2 uniform fire prevention and building code to be updated to reflect such  
3 changes.

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

6 § 11-101. Purpose. In furtherance of the [~~policy~~] policies set forth  
7 in subdivision two of section 3-101 of this chapter and in chapter one  
8 hundred six of the laws of two thousand nineteen enacting the New York  
9 state climate leadership and community protection act, the legislature  
10 hereby directs that a state energy conservation construction code be  
11 adopted to protect the health, safety and security of the people of the  
12 state and to assure a continuing supply of energy for future generations  
13 and that such code mandate that [~~economically~~] reasonable energy conser-  
14 vation techniques be used in the design and construction of all public  
15 and private buildings in the state.

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

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

33 (b) The state fire prevention and building code council shall, as soon  
34 as practicable and no later than eighteen months after the publication  
35 of each revised or updated edition of the International Energy Conserva-  
36 tion Code or the ANSI/ASHRAE/IESNA Standard 90.1, cause the state energy  
37 conservation construction code to be updated to reflect changes in any  
38 such revised or updated edition. To the extent that the state energy  
39 conservation construction code has not been updated to reflect changes  
40 in any such revised or updated edition as of the effective date of this  
41 paragraph, the council shall, as soon as practicable and no later than  
42 eighteen months after the effective date of this paragraph, cause the  
43 state energy conservation construction code to be updated to reflect  
44 such changes.

45 § 4. This act shall take effect immediately.