

STATE OF NEW YORK

5249--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. HUNTER, PEOPLES-STOKES, WALLACE, JACOBSON -- 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:

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

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

20 § 11-101. Purpose. In furtherance of the [~~policy~~] policies set forth
21 in subdivision two of section 3-101 of this chapter and in chapter one

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

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

9 § 3. Subdivision 2 of section 11-103 of the energy law, as amended by
10 chapter 374 of the laws of 2022, is amended to read as follows:

11 2. (a) The state fire prevention and building code council is author-
12 ized, from time to time as it deems appropriate and consistent with the
13 purposes of this article, to review and amend the code, or adopt a new
14 code, through rules and regulations provided that the code remains cost
15 effective with respect to building construction in the state. In deter-
16 mining whether the code remains cost effective, the code council shall
17 consider (i) whether the life-cycle costs for a building will be recov-
18 ered through savings in energy costs over the design life of the build-
19 ing under a life-cycle cost analysis performed under methodology as
20 established by the New York state energy research and development
21 authority in regulations which may be updated from time to time, and
22 (ii) secondary or societal effects, such as reductions in greenhouse gas
23 emissions, as defined in regulations. Before publication of a notice of
24 proposed rule making establishing the methodology or defining secondary
25 or societal effects, the president of the authority shall conduct public
26 meetings to provide meaningful opportunities for public comment from all
27 segments of the population that would be impacted by the regulations,
28 including persons living in disadvantaged communities as identified by
29 the climate justice working group established under section 75-0111 of
30 the environmental conservation law. For residential buildings, the code
31 shall meet or exceed the then most recently published International
32 Energy Conservation Code, or achieve equivalent or greater energy
33 savings; and for commercial buildings, the code shall meet or exceed the
34 then most recently published [~~ASHRAE~~] ANSI/ASHRAE/IESNA Standard 90.1,
35 or achieve equivalent or greater energy savings.

36 (b) When adopting the first amended version of the code next following
37 the effective date of [~~the~~] chapter three hundred seventy-four of the
38 laws of two thousand twenty-two [~~that added this paragraph~~] and any
39 subsequent codes, the state fire prevention and building code council
40 shall, as soon as practicable and no later than eighteen months after
41 the publication of each revised or updated edition of the International
42 Energy Conservation Code and the ANSI/ASHRAE/IESNA Standard 90.1, use
43 its best efforts to adopt provisions for residential buildings that
44 achieve energy savings greater than energy savings achieved by the then
45 most recently published International Energy Conservation Code and to
46 adopt provisions for commercial buildings that achieve energy savings
47 greater than energy savings achieved by the then most recently published
48 [~~ASHRAE~~] ANSI/ASHRAE/IESNA Standard 90.1, both at levels recommended by
49 the New York state energy research and development authority, provided
50 that the state fire prevention and building code council determines that
51 such advanced energy savings can be achieved while still meeting the
52 cost effectiveness considerations contemplated by this subdivision.

53 (c) The state fire prevention and building code council shall, as soon
54 as practicable and no later than eighteen months after the publication
55 of each revised or updated edition of the International Energy Conserva-
56 tion Code and the ANSI/ASHRAE/IESNA Standard 90.1, cause the state ener-

1 gy conservation construction code to be updated to reflect changes in
2 any such revised or updated edition. To the extent that the state ener-
3 gy conservation construction code has not been updated to reflect chang-
4 es in any such revised or updated edition as of the effective date of
5 this paragraph, the council shall, as soon as practicable and no later
6 than eighteen months after the effective date of this paragraph, cause
7 the state energy conservation construction code to be updated to reflect
8 such changes.

9 § 4. This act shall take effect immediately.