STATE OF NEW YORK

9921

IN SENATE

October 2, 2024

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to permitting unvented attics and unvented enclosed rafter assemblies to be sealed with air-impermeable insulation in order to help attain building decarbonization goals

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

Section 1. Legislative findings and intent. The legislature hereby finds and declares it necessary to amend the state fire and building code to better align with the Climate Leadership and Community Protection Act.

New York's six million buildings are responsible for around one-third of statewide greenhouse gas emissions. Advancing building energy efficiency and electrification is a cornerstone of the state's efforts to achieve carbon neutrality and meet emissions reduction goals.

Modernizing and decarbonizing New York's buildings will also create healthier living and working environments, reduce consumer energy costs, and add thousands of local clean energy and energy efficiency jobs.

As New York state transitions into all-electric building construction, a well-insulated and sealed home is integral for the maximum efficiency of a heat pump and onsite renewables. Buildings with HVAC equipment and ducts located in a vented attic have excessive energy consumption because of the inhospitable environment in which they are located.

Unvented attics and unvented enclosed rafter assemblies sealed with air-impermeable insulation provides additional benefits as heat pumps and onsite renewables work best in spaces that don't waste energy due to low insulation levels or airflow leaks. The use of air-impermeable insulation in this manner aids the state's efforts and targets on building decarbonization and energy efficiency.

Accordingly, the legislature finds it necessary to update the building and energy codes to permit the use of spray polyurethane foam insulation in the construction of unvented attics as an additional option to meet code requirements.

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

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§ 2. Section 378 of the executive law is amended by adding a new subdivision 21 to read as follows:

21. Unvented attics and unvented enclosed rafter assemblies. To support the goal of reducing greenhouse gas emissions and help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, unvented attic and unvented enclosed rafter assemblies insulated and air sealed with air-impermeable insulation with R-30, maximum U-Factor of 0.038, insulation shall be deemed to meet the requirements of section R402 of the energy conservation construction code of New York state, provided:

1. The house shall attain a blower door test result less than two and one-half ACH50.

2. The house shall require a positive, balanced or hybrid whole house mechanical ventilation system that does not rely solely on a negative pressure strategy.

3. Where insulation is installed below the roof deck and the exposed portion of roof rafters are not already covered by the R-30 depth of the air-impermeable insulation, the exposed portion of the roof rafters shall be insulated by minimum R-3 unless directly covered by drywall/finished ceiling. Roof rafters are not required to be covered by minimum R-3 if a continuous insulation is installed above the roof deck.

4. Indoor heating, cooling, and ventilation equipment, including duct-work, shall be inside the building thermal envelope.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the state fire prevention and building code council shall promulgate the standards required by this act.