

# 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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