

STATE OF NEW YORK

3531--A

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2023-2024 Regular Sessions

IN SENATE

January 31, 2023

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 -- reported favorably from said committee, ordered to first and second report, ordered to a 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
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:

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

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1 § 11-101. Purpose. In furtherance of the [~~policy~~] policies set forth
2 in subdivision two of section 3-101 of this chapter and in chapter one
3 hundred six of the laws of two thousand nineteen enacting the New York
4 state climate leadership and community protection act, the legislature
5 hereby directs that a state energy conservation construction code be
6 adopted to protect the health, safety and security of the people of the
7 state and to assure a continuing supply of energy for future generations
8 and that such code mandate that [~~economically~~] reasonable energy conser-
9 vation techniques be used in the design and construction of all public
10 and private buildings in the state.

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

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

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

55 (c) The state fire prevention and building code council shall, as soon
56 as practicable and no later than eighteen months after the publication

1 of each revised or updated edition of the International Energy Conserva-
2 tion Code and the ANSI/ASHRAE/IESNA Standard 90.1, cause the state ener-
3 gy conservation construction code to be updated to reflect changes in
4 any such revised or updated edition. To the extent that the state ener-
5 gy conservation construction code has not been updated to reflect chang-
6 es in any such revised or updated edition as of the effective date of
7 this paragraph, the council shall, as soon as practicable and no later
8 than eighteen months after the effective date of this paragraph, cause
9 the state energy conservation construction code to be updated to reflect
10 such changes.

11 § 4. This act shall take effect immediately.