STATE OF NEW YORK

3531--A

Cal. No. 389

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:

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

2. Each time a revised or updated edition of the International Building Code, the International Fire Code, the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Existing Building Code, the International Property Maintenance Code or the National Electrical Code is published, the council shall, eighteen months after publication of a revised or updated edition, cause the uniform fire prevention and building code to be updated to reflect changes in any such revised or updated edition. To the extent that the uniform fire prevention and building code has not been updated to reflect changes in any such revised or updated edition as of the effective date of this subdivision, the council shall, as soon as practicable and no later than eighteen months after the effective date of this subdivision, cause the uniform fire prevention and building code to be updated to reflect such changes.

§ 2. Section 11-101 of the energy law, as amended by chapter 516 of 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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§ 11-101. Purpose. In furtherance of the [~~policy~~] **policies** set forth in subdivision two of section 3-101 of this chapter **and in chapter one hundred six of the laws of two thousand nineteen enacting the New York state climate leadership and community protection act**, the legislature hereby directs that a state energy conservation construction code be adopted to protect the health, safety and security of the people of the state and to assure a continuing supply of energy for future generations and that such code mandate that [~~economically~~] reasonable energy conservation techniques be used in the design and construction of all public and private buildings in the state.

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

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

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

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

of each revised or updated edition of the International Energy Conservation Code and the ANSI/ASHRAE/IESNA Standard 90.1, cause the state energy conservation construction code to be updated to reflect changes in any such revised or updated edition. To the extent that the state energy conservation construction code has not been updated to reflect changes in any such revised or updated edition as of the effective date of this paragraph, the council shall, as soon as practicable and no later than eighteen months after the effective date of this paragraph, cause the state energy conservation construction code to be updated to reflect such changes.

§ 4. This act shall take effect immediately.