

STATE OF NEW YORK

7586

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to assessments of heating, ventilation and air conditioning systems as part of building condition surveys for purposes of grant eligibility

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

1 Section 1. Paragraph b and subparagraph 2 of paragraph c of subdivi-
2 sion 4 of section 3641 of the education law, paragraph b as amended by
3 section 27 of part A-1 of chapter 58 of the laws of 2006 and subpara-
4 graph 2 of paragraph c as amended by section 48 of part C of chapter 58
5 of the laws of 1998, are amended and a new subparagraph 3 is added to
6 paragraph c to read as follows:
7 b. Building condition surveys. To be eligible for aid pursuant to
8 subdivision six-e of section thirty-six hundred two of this article,
9 building condition surveys shall be conducted by a licensed architect or
10 licensed professional engineer performing under a state contract entered
11 into pursuant to paragraph c of this subdivision, shall assess the
12 condition of all major building systems of a school building, and shall
13 be in the form and contain the information prescribed by the commission-
14 er. For purposes of this paragraph, "major building systems" shall mean
15 the electrical, plumbing, heating, ventilation and air conditioning
16 systems, and the roof and other major structural elements of a school
17 building. For the purposes of this paragraph, the assessment of the
18 "heating, ventilation and air conditioning systems" shall be based upon
19 a report completed by: (i) a certified testing, adjusting and balancing
20 (TAB) technician; or (ii) a workforce where at least sixty percent of
21 the construction workers are graduates of or registered in and attending
22 a registered apprenticeship program for the applicable occupation under
23 the supervision of a certified testing, adjusting and balancing (TAB)
24 technician; or (iii) a person certified to perform ventilation verifica-

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

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1 tion assessments of heating, ventilation and air conditioning systems
2 from an organization that has been accredited under ISO/IEC 17024
3 Personnel Certification standard in ventilation verification assess-
4 ments. The report assessing the heating, ventilation and air condition-
5 ing systems shall contain the information outlined in the sample venti-
6 lation verification test sheets listed in the prerequisite section,
7 additional guidance, of the American Society of Heating, Refrigeration
8 and Air Conditioning Engineers (ASHRAE) Technical Committee 9.7, Educa-
9 tional Facilities Design Guidance for Educational Facilities: Prioriti-
10 zation for Advanced Indoor Air Quality, 2023 publication, or its succes-
11 sor.

12 (2) The commissioner is hereby authorized to enter into the necessary
13 contractual agreements with architects and/or engineers and/or entities
14 employing: (i) certified testing, adjusting and balancing (TAB) techni-
15 cians; or (ii) a workforce where at least sixty percent of the
16 construction workers are graduates of or registered in and attending a
17 registered apprenticeship program for the applicable occupation under
18 the supervision of a certified testing, adjusting and balancing (TAB)
19 technician; or (iii) a person certified to perform ventilation verifica-
20 tion assessments of heating, ventilation and air conditioning systems
21 from an organization that has been accredited under ISO/IEC 17024
22 Personnel Certification standard in ventilation verification assessments
23 to state-wide contracts to provide building construction surveys and/or
24 reports required to complete such surveys on a regional basis for a
25 fixed fee per square foot. Such building condition surveys shall be used
26 to assist school districts with the development of their five-year capi-
27 tal facilities plan.

28 (3) The commissioner is authorized to promulgate rules and regulations
29 necessary for the implementation of this subdivision.

30 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
31 sion, section or part contained in any part of this act shall be
32 adjudged by any court of competent jurisdiction to be invalid, such
33 judgment shall not affect, impair, or invalidate the remainder thereof,
34 but shall be confined in its operation to the clause, sentence, para-
35 graph, subdivision, section or part of this act contained in any part
36 thereof directly involved in the controversy in which such judgment
37 shall have been rendered. It is hereby declared to be the intent of the
38 legislature that this act would have been enacted even if such invalid
39 provisions had not been included herein.

40 § 3. This act shall take effect immediately.