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:

Section 1. Paragraph b and subparagraph 2 of paragraph c of subdivision 4 of section 3641 of the education law, paragraph b as amended by section 27 of part A-1 of chapter 58 of the laws of 2006 and subparagraph 2 of paragraph c as amended by section 48 of part C of chapter 58 of the laws of 1998, are amended and a new subparagraph 3 is added to paragraph c to read as follows:

b. Building condition surveys. To be eligible for aid pursuant to subdivision six-e of section thirty-six hundred two of this article, building condition surveys shall be conducted by a licensed architect or licensed professional engineer performing under a state contract entered into pursuant to paragraph c of this subdivision, shall assess the condition of all major building systems of a school building, and shall be in the form and contain the information prescribed by the commissioner. For purposes of this paragraph, "major building systems" shall mean the electrical, plumbing, heating, ventilation and air conditioning systems, and the roof and other major structural elements of a school building. **For the purposes of this paragraph, the assessment of the "heating, ventilation and air conditioning systems" shall be based upon a report completed by: (i) a certified testing, adjusting and balancing (TAB) technician; or (ii) a workforce where at least sixty percent of the construction workers are graduates of or registered in and attending a registered apprenticeship program for the applicable occupation under the supervision of a certified testing, adjusting and balancing (TAB) 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.

LBD11151-01-5

tion assessments of heating, ventilation and air conditioning systems from an organization that has been accredited under ISO/IEC 17024 Personnel Certification standard in ventilation verification assessments. The report assessing the heating, ventilation and air conditioning systems shall contain the information outlined in the sample ventilation verification test sheets listed in the prerequisite section, additional guidance, of the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Technical Committee 9.7, Educational Facilities Design Guidance for Educational Facilities: Prioritization for Advanced Indoor Air Quality, 2023 publication, or its successor.

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

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

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

§ 3. This act shall take effect immediately.