

# STATE OF NEW YORK

5940

2025-2026 Regular Sessions

## IN SENATE

March 4, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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.

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

LBD10302-01-5

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

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

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

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

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

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

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

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