

STATE OF NEW YORK
DEPARTMENT OF STATE

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February 27, 2020

Jeremiah Williams, Building Energy Code Program Manager
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: New York State Certification of Residential and Commercial Building Energy Codes

Dear Mr. Williams:

In compliance with Title III of the Energy Conservation and Production Act (ECPA) of 1976, as amended, this is to certify that the State of New York has adopted an updated version of the State Energy Conservation Construction Code (the “NYS Energy Code”). The updated version of the NYS Energy Code will become effective on May 12, 2020.

With regard to residential buildings, the updated version of the NYS Energy Code consists of the “Residential Provisions” of the 2020 Energy Conservation Construction Code of New York State (the “2020 ECCCNY”), which is based on the 2018 edition of the International Energy Conservation Code (the “2018 IECC Residential Provisions”), published by the International Code Council.

With regard to commercial buildings, the updated version of the NYS Energy Code consists of (1) the “Commercial Provisions” of the 2020 ECCCNY, which is based on the 2018 edition of the International Energy Conservation Code (the “2018 IECC Commercial Provisions”) and (2) the 2016 edition of ASHRAE Standard 90.1 (“ASHRAE 90.1-2016”), as modified by 19 NYCRR §1240.3.

Public notice of the proposal to adopt the updated version of the NYS Energy Code was published in the New York State *State Register* on July 3, 2019, at pages 27-32. A copy of the published Notice of Proposed Rule Making for the NYS Energy Code in the July 3, 2019 edition of the *State Register* is enclosed. The published notice (the “Notice of Proposed Rule Making”) included the following statements:

Energy Law § 11-103(2) provides that the Energy Code for commercial buildings must meet or exceed the 2007 edition of the publication entitled “Energy Standard for Buildings Except Low-Rise Residential Buildings” (ASHRAE 90.1), or achieve equivalent or greater energy savings; and that the Energy Code for residential buildings must meet or exceed the then most recently published edition of the publication entitled “International Energy Conservation Code” (“IECC”), or achieve equivalent or greater energy savings.

The current version of the Energy Code for commercial buildings equals or exceeds the 2013 edition of ASHRAE 90.1 (“ASHRAE 90.1-2013”). The proposed rule will amend the Energy Code for commercial buildings



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to a code that equals or exceeds the 2016 edition of ASHRAE 90.1 (“ASHRAE 90.1-2016”). The United States Department of Energy (DOE) previously issued a determination indicating that ASHRAE 90.1-2013 exceeds the 2007 edition of ASHRAE 90.1 (“ASHRAE 90.1-2007”). DOE recently issued a determination indicating that the ASHRAE 90.1-2016 exceeds ASHRAE 90.1-2013. Therefore, the Energy Code, as proposed by this rule, will satisfy that part of Energy Law § 11-103(2) that requires the Energy Code for commercial buildings to meet or exceed ASHRAE 90.1-2007.

The current version of the Energy Code for residential buildings is based on the 2015 edition of the IECC (“the “2015 IECC”). The proposed rule will amend the Energy Code for residential buildings to a code that includes the “Residential Provisions” of the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY) based upon the most recent (2018) edition of the IECC (the “2018 IECC”). Therefore, the Energy Code, as proposed by this rule, will satisfy that part of Energy Law § 11-103(2) that requires the Energy Code for residential buildings to meet or exceed the most recent edition of the IECC.

As more fully discussed in Part 3 (“Needs and Benefits”) of the full Regulatory Impact Statement, it is anticipated that (1) buildings that comply with the Energy Code, as proposed by this rule, will use less energy than buildings that comply with the current Energy Code; (2) on average, the Energy Code, as proposed by this rule, will be cost effective for commercial buildings and for residential buildings; and (3) on average, the increase in the cost of constructing a commercial or residential building according to the requirements of the Energy Code as proposed by this rule over the cost of constructing a similar commercial or residential building according to the requirements of the current version of the Energy Code will be less than the present value of the of savings in energy costs that could be expected over a ten year period.

Public hearings were conducted at the times and places specified in the published Notice of Proposed Rule Making, viz., 10:00 a.m., September 5, 2019 at the following locations: Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY; Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Rms. 2 and 3, Hauppauge, NY; Utica State Office Bldg., 207 Genesee St., 1st Fl. Conference Rm. A., Utica, NY; Amherst Town Hall, Council Chambers, 2nd Fl., 5583 Main St., Williamsville, NY; and Department of State, 123 William St., Conference Rm. 231, New York, NY.

The updated version of the NYS Energy Code was adopted at the Code Council meeting on December 6, 2019. The Notice of Adoption was filed on January 28, 2020 and was published in the *State Register* on February 12, 2020, at pages 32-37. A copy of the published Notice of Adoption for the NYS Energy Code in the February 12, 2020 edition of the *State Register* is enclosed.

The rule adopting the updated version of the NYS Energy Code will become effective on May 12, 2020.

David Cohan, Building Energy Code Program Manager
Building Technologies Office
U.S. Department of Energy
February 27, 2020

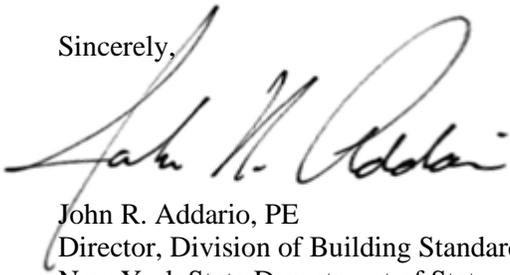
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The New York State Department of State believes that the updated version of the NYS Energy Code is, for residential buildings, equivalent to or more stringent than the 2018 IECC Residential Provisions.

The New York State Department of State believes that the updated version of the NYS Energy Code is, for commercial buildings, equivalent to or more stringent than ASHRAE 90.1-2016.

If anything further is required as evidence of New York State's compliance with the requirements of Title III of ECPA, please advise me by mail at the address stated below, by telephone at (518) 474-4073, or by email at John.Addario@dos.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Addario". The signature is fluid and cursive, with a large initial "J" and "A".

John R. Addario, PE
Director, Division of Building Standards and Codes
New York State Department of State
99 Washington Ave.
Albany, NY 12231-0001