

STATE OF NEW YORK
DEPARTMENT OF STATE

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SECRETARY OF STATE

July 27, 2023

Jeremiah Williams, Building Energy Code Program Manager
U.S. Department of Energy
Building Technologies Office
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 intends to adopt an updated version of the State Energy Conservation Construction Code (the “NYS Energy Code”) and the State of New York is seeking an extension from the Secretary pursuant to 42 U.S.C. §6833(c) in light of the fact that the State has made a good faith effort to comply with such requirements and has made significant progress in doing so. The updated version of the NYS Energy Code is anticipated to become effective in 2025.

With regard to residential buildings, the Department of State has reviewed the provisions of the State’s residential building code regarding energy efficiency and determined it is appropriate to revise such residential building code provisions to meet or exceed the 2021 International Energy Conservation Code (the “2021 IECC”). The updated version of the NYS Energy Code will consist of the “Residential Provisions” of the 2024 Energy Conservation Construction Code of New York State (the “2024 ECCCNY”), which will be based on the 2021 and 2024 editions of the International Energy Conservation Code (the “2021 IECC Residential Provisions” and “2024 IECC Residential Provisions”), published by the International Code Council.

With regard to commercial buildings, the Department of State has reviewed the provisions of the State’s commercial building code regarding energy efficiency and seeks an extension of time to update the NYS Energy Code’s provisions to meet or exceed the requirements of ASHRAE 90.1-2019 for eighteen (18) months or until January 28, 2025. The updated version of the NYS Energy Code will consist of (1) the “Commercial Provisions” of the 2024 ECCCNY, which will be based on the 2021 and 2024 editions of the International Energy Conservation Code (the “2021 IECC Commercial Provisions” and “2024 IECC Commercial Provisions”) and (2) the 2022 edition of ASHRAE Standard 90.1 (“ASHRAE 90.1-2022”), as modified.

At the meeting of the State Fire Prevention and Building Code Council (“Code Council”) on March 4, 2022, the Code Council determined that New York State’s Climate agenda would best be accomplished with a single code update that incorporates both the 2021 IECC and the 2024 IECC, as well as ASHRAE Standard 90.1-2019 and 90.1-2022. At the Code Council meeting on June 23, 2023, the Department of State presented the changes to the current NYS Energy Code based on the 2021 IECC. It is anticipated that the Department will present to the Code Council the additional changes to the current NYS Energy Code based on the 2024 International Energy Conservation Code and ASHRAE Standard 90.1-2022 in future meetings later this year. In addition, it is anticipated that the New York State Energy



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Research and Development Authority (NYSERDA) will submit, for the Code Council's consideration, proposed recommendations for achieving energy savings greater than the energy savings achieved by the most recently published versions of the International Energy Conservation Code for residential buildings and ASHRAE 90.1 for commercial buildings, consistent with the requirements of Energy Law §11-103(2)(b).¹

The New York State Department of State believes that the anticipated updated version of the NYS Energy Code will be, for residential buildings, equivalent to or more stringent than the 2021 IECC Residential Provisions.

The New York State Department of State believes that the anticipated updated version of the NYS Energy Code will be, for commercial buildings, equivalent to or more stringent than ASHRAE 90.1-2019.

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,



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

¹ Energy Law §11-103(2)(b) provides “When adopting the first amended version of the code next following the effective date of the chapter 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 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 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.”