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GOVERNOR

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July 12, 2013

Roland J. Risser
Building Technologies Program Manager
Office of Energy Efficiency and Renewable Energy
U.S. Department of Energy
1000 Independence Avenue SW, Mail Stop EE-2J
Washington, DC 20585-0121

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

Dear Mr. Risser:

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 the 2010 edition of the Energy Conservation Construction Code of New York State (the "2010 ECCCNY") as New York State's building energy code for residential buildings and non-residential (commercial) buildings.

With regard to residential buildings, the 2010 ECCCNY is based on, and is equivalent to or more stringent than, the 2009 version of the International Energy Conservation Code (the "2009 IECC").

With regard to commercial buildings, the 2010 ECCCNY permits compliance with (1) Chapter 5 ("Commercial Energy Efficiency") of the 2010 ECCCNY or (2) ASHRAE Standard 90.1-2007. Chapter 5 of the 2010 ECCCNY, which is based on Chapter 5 of the 2009 IECC, is equivalent to or more stringent than ASHRAE 90.1-2007. Accordingly, with regard to commercial buildings, the 2010 ECCCNY is equivalent to or more stringent than ASHRAE Standard 90.1-2007.

Enclosed please find a copy of the document entitled "Comparison of the 2009 International Energy Conservation Code Including New York State Amendments Vs. ASHRAE 90.1-2007" prepared by the New York State Department of State's Division of Code Enforcement and Administration, dated October 6, 2009 and revisited and re-verified on June 18, 2013, indicating that the 2010 ECCCNY (the 2009 IECC with the "New York State Amendments") is as least as stringent as ASHRAE Standard 90.1-2007.

Public notice of the proposal to adopt the 2010 ECCCNY was published in the New York State *State Register* on January 13, 2010, at page 25. A copy of the relevant portion of the January 13, 2010 edition of the *State Register* is enclosed. Public hearings were conducted at the times and places specified in the published notice, viz., 10:00 a.m., March 1, 2010 at Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY; 10:00 a.m., March 2, 2010 at Perry B. Duryea Jr. State Office Building, 250 Veterans Memorial Hwy., Classrooms 2 and 3, Hauppauge, NY; 1:00 p.m., March 3, 2010 at Hughes State Office Building, 333 E. Washington St., Main Hearing Rm. - 1st Fl., Syracuse, NY; and 10:00 a.m., March 4, 2010 at Amherst Town Hall, 5583 Main St., Council Chambers-Upper Level, Williamsville, NY.

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The 2010 ECCCNY S was adopted on September 14, 2010. The Notice of Adoption was filed on September 14, 2010. The Notice of Adoption was published in the *State Register* on September 29, 2010, at page 40. A copy of the relevant portion of the September 29, 2010 edition of the *State Register* is enclosed.

An amended rule adopting the 2010 ECCCNY S was adopted on December 1, 2010. An Amended Notice of Adoption was filed December 3, 2010. The Amended Notice of Adoption was published in the *State Register* on December 22, 2010, at page 36. A copy of the relevant portion of the December 22, 2010 edition of the *State Register* is enclosed.

The rule adopting the 2010 ECCCNY S and the amended rule adopting the 2010 ECCCNY S became effective on December 28, 2010.

I would like to note that funding from the U.S. Department of Energy (DOE) is critical for enforcement efforts pursuant to the American Recovery and Reinvestment Act of 2009 (which directly references the 2009 IECC as well as ASHRAE Standard 90.1-2007). It is our hope that support from DOE will continue to ensure demonstrated compliance with the code in the State of New York and encourage future updates to the code.

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 Ronald.Piester@dos.ny.gov.

Sincerely,



Ronald E. Piester, AIA
Director
Division of Code Enforcement and Administration
New York State Department of State
99 Washington Ave.
Albany, NY 12231-0001