The Secretary of Energy
Washington, D.C. 20585

May 31, 2013

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, NY 12224

Re: State Certification of Residential and Commercial Building Energy Codes

Dear Governor Cuomo:

I am writing to ensure you are aware of upcoming requirements for New York with regard to building energy codes. The U.S. Department of Energy (DOE) has responsibility for collecting important data on building codes and offering technical assistance on development and implementation. This letter is to ensure you have the information you need to help taxpayers in New York achieve the cost savings associated with these energy efficiency measures and to be in good standing when DOE reports publicly on state progress in this area.

Energy efficiency – getting more from the energy we use – is one of our top opportunities for helping households and businesses save money, growing jobs, and improving our environment. The Department is dedicated to helping states achieve greater energy efficiency, including the adoption and implementation of updated building energy codes. These codes are a cost-effective way to reduce energy bills and to employ energy efficiency measures that can be more costly to implement through subsequent retrofits. Energy cost savings for New York resulting from the state updating its building energy codes in accordance with federal law are significant, estimated to be on the order of nearly $250 million annually by 2030.

DOE has determined that the updated model building energy codes for both commercial and residential buildings would achieve greater energy savings over prior editions. As a result, each state is statutorily required to certify that it has reviewed the provisions of its building energy codes, and updated them as appropriate. In the case of commercial codes, an update is required by each state to meet or exceed the current model commercial building energy code. The certification deadlines are approaching, with the first in July 2013 (see Attachment). Our records indicate that we have not yet received the required certifications from New York, nor have we received a request for a time extension regarding the DOE determinations.

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The Department hopes to receive your certifications by the applicable deadline so that we may reflect your state's good standing as we report to the public on the status of the state certifications, as well as the potential energy and cost savings that states can achieve through their updated building codes. Additionally, the Secretary of Energy is required to consider actions proposed by a state to improve and implement residential and commercial building energy codes in determining whether and in what amounts to provide incentive funding.

Please let me know if you need any assistance in meeting these requirements. In addition to incentive funding, DOE provides technical assistance to states, including policy guidance, code compliance software, and analytical support. More information on DOE resources and the above statutory requirements is available at www.energycodes.gov. Should you have questions on this matter, please contact Ms. Kym Carey at (202) 287-1775 or Kym.Carey@ee.doe.gov.

Also, please let me know of additional ways DOE may be able to assist you in meeting New York energy efficiency goals. We look forward to working with you in the coming months to make important progress in capturing the many benefits energy efficiency offers.

Sincerely,

Dr. Kathleen Hogan
Deputy Assistant Secretary
Energy Efficiency and Renewable Energy
U.S. Department of Energy

cc: Francis Murray, Jr., NYSERDA

Determination Action List

DOE finalized its determination of the energy savings for the 2009 IECC and Standard 90.1-2007 over the previous codes on July 19, 2011, and July 20, 2011, respectively. The following is a list of actions that the states must take to meet the statutory requirements related to the DOE determinations for the 2009 IECC and Standard 90.1-2007:

- ✓ Review 2009 IECC and Standard 90.1-2007
- ✓ Provide public notice and an opportunity for public comment
- ✓ Update state commercial energy code to meet or exceed Standard 90.1-2007
- ✓ Review residential energy code and consider whether appropriate to meet or exceed 2009 IECC
- ✓ File a certification statement with DOE on 2009 IECC **(no later than July 19, 2013)**
- ✓ File a certification statement with DOE for Standard 90.1-2007 **(no later than July 20, 2013)**

DOE finalized its determination of the energy savings for the 2012 IECC and Standard 90.1-2010 over the previous codes on May 17, 2012, and October 18, 2011, respectively. The following is a list of actions that the states must take to meet the statutory requirements related to the DOE determinations for the 2012 IECC and Standard 90.1-2010:

- ✓ Review 2012 IECC and Standard 90.1-2010
- ✓ Provide public notice and an opportunity for public comment
- ✓ Update state commercial energy code to meet or exceed Standard 90.1-2010
- ✓ Review residential energy code and consider whether appropriate to meet or exceed 2012 IECC
- ✓ File a certification statement with DOE on 2012 IECC **(no later than May 17, 2014)**
- ✓ File a certification statement with DOE for Standard 90.1-2010 **(no later than October 18, 2013)**

Your state may elect to file a single certification to address both the 2009 IECC and 2012 IECC determinations. The certification must be filed by July 19, 2013, and must include either a demonstration that the provisions of the state's residential building energy code regarding energy efficiency meet or exceed the 2012 IECC or an explanation as to why the state has determined that it is not appropriate for it to update its model residential energy code.

Similarly, your state may elect to file a single certification to address both the Standard 90.1-2007 and Standard 90.1-2010 determinations. The certification must be filed by July 20, 2013, and must include a demonstration that the provisions of the state's commercial building energy code regarding energy efficiency meet or exceed Standard 90.1-2010.

Copies of the original *Federal Register* determination notices can be found at:

- **DOE determination on 2009 IECC:**
  http://www.gpo.gov/fdsys/pkg/FR-2011-07-19/pdf/2011-18080.pdf
- **DOE determination on ASHRAE Standard 90.1-2007:**
  http://www.gpo.gov/fdsys/pkg/FR-2011-07-20/pdf/2011-18251.pdf
- **DOE determination on 2012 IECC:**
  http://www.gpo.gov/fdsys/pkg/FR-2012-05-17/pdf/2012-12000.pdf
- **DOE determination on ASHRAE Standard 90.1-2010:**
  http://www.gpo.gov/fdsys/pkg/FR-2011-10-19/pdf/2011-27057.pdf

Certification statements or requests for deadline extensions should be addressed to:

ATTN: Building Energy Codes Program
Office of Energy Efficiency and Renewable Energy, EE-2J
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585–0121