

Rural Area Flexibility Analysis

The proposed rule does not disadvantage rural areas. It impacts solely the New York State Fire Prevention and Building Code Council (the “Code Council”) and has no direct impact on the citizens or businesses of New York. The proposed rule provides specific guidance on how the cost effectiveness can be determined regarding any changes made by the Code Council to the State Energy Conservation Construction Code (the “ECCC”). NYSERDA was tasked with creating the proposed rule by the New York legislature.

Under Energy Law § 11-103(2)(a), the Code Council is to determine whether the code remains cost-effective after amendments. To make such determination, §11-103(2)(a) requires the Code Council to consider: “(i) whether the life-cycle costs for a building will be recovered through savings in energy costs over the design life of the building under a life-cycle cost analysis performed under methodology as established by the New York state energy research and development authority in regulations which may be updated from time to time, and (ii) secondary or societal effects, such as reductions in greenhouse gas emissions, as defined in regulations.”

Accordingly, §11-102(2)(a), which has been passed into law by the New York State legislature, has already set out the steps to determine cost-effectiveness. The purpose of the proposed rule is to minimize the economic and financial impact of such changes made by the Code Council.

The proposed rule does not burden state municipalities with reporting, recording, or compliance requirements, and does not require any professional services. There are no added responsibilities or costs stemming from the proposed rule to any area of the state, rural or urban, and, as such, a Rural Area Flexibility Analysis is not being submitted with this rule.