

Summary of Proposed Rule

New Part 510 would establish evaluation criteria for determining the cost effectiveness of proposed changes to the State Energy Conservation Construction Code (Energy Code) and is summarized as follows:

Section 510.1 states the New York State Fire Prevention and Building Code Council (Code Council) is authorized to review and amend the Energy Code, or adopt a New Energy Code, through the promulgation of rules and regulations. To amend the Energy Code, the Code Council must determine that the Energy Code remains cost effective with respect to building construction in the State. The Code Council's cost-effective determination must include a life-cycle cost analysis and the value of societal effects, such as reductions in GHG emissions.

The purpose of this Part is to: (1) establish a methodology for determining 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; (2) define secondary or societal effects to be considered in the cost effectiveness determination; and (3) provide a method for quantifying the societal effects so that they can be added to the life-cycle costs. This Part implements amendments to paragraph (a) of subdivision 2 of section 11-103 of the Energy Law, as enacted by the "Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022."

Section 510.2 sets forth definitions of terms used throughout this Part.

Section 510.3 establishes the methodology for performing a life-cycle cost analysis for Energy Code updates that will rely on the U.S. Department of Energy's Commercial and Residential Methodologies and specifically describes where the NYSERDA will deviate from those Methodologies.

Section 510.4 defines societal effects to include the value of avoided greenhouse gas (GHG) emissions resulting from changes in electricity and fuel consumption. This section also describes the process for estimating the value of the avoided GHG emissions.

Section 510.5 describes how information should be presented for the cost effectiveness analysis.

Section 510.6 establishes the cost effectiveness presumption.

Section 510.7 lists the regulation's referenced materials and where they may be obtained.