

**TEXT  
(Energy Code)**

Part 1240 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is repealed.

Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 1240 to read as follows:

**PART 1240. STATE ENERGY CONSERVATION CONSTRUCTION CODE.**

**Section 1240.1. State Energy Conservation Construction Code.**

This Part and the publications incorporated by reference in this Part constitute the State Energy Conservation Construction Code (the “Energy Code”) promulgated pursuant to Article 11 of the Energy Law.

**Section 1240.2. Definitions.**

For the purposes of this Part, the following words and phrases shall have the following meanings unless a different meaning is plainly required by the context:

**(a) 2015 Energy Code Supplement.** The term “2015 Energy Code Supplement” means the publication entitled “2015 Supplement to the New York State Energy Conservation Construction Code,” published by the New York State Department of State (publication date October 16, 2015).

**(b) 2015 IECC.** The term “2015 IECC” means the publication entitled “2015 International Energy Conservation Code,” published by the International Code Council, Inc. (second printing, publication date May, 2015).

(c) **2015 IECC Commercial Provisions.** The term “2015 IECC Commercial Provisions” means that part of the 2015 IECC that is designated as the “IECC - Commercial Provisions.”

(d) **2015 IECC Commercial Provisions (as amended).** The term “2015 IECC Commercial Provisions (as amended)” means the 2015 IECC Commercial Provisions, as said provisions are deemed to be amended by Part 1 of the 2015 Energy Code Supplement.

(e) **2015 IECC Residential Provisions.** The term “2015 IECC Residential Provisions” means that part of the 2015 IECC that is designated as the “IECC - Residential Provisions.”

(f) **2015 IECC Residential Provisions (as amended).** The term “2015 IECC Residential Provisions (as amended)” means the 2015 IECC Residential Provisions, as said provisions are deemed to be amended by Part 3 of the 2015 Energy Code Supplement.

(g) **ASHRAE 90.1-2013.** The term “ASHRAE 90.1-2013” means the publication entitled “Energy Standard for Buildings Except Low-Rise Residential Buildings,” standard reference number 90.1-2013, published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (publication date October 2013).

(h) **ASHRAE 90.1-2103 (as amended).** The term “ASHRAE 90.1-2013 (as amended)” means ASHRAE 90.1-2013, as said publication is deemed to be amended by Part 2 of the 2015 Energy Code Supplement.

(i) **Building.** The term “building” means any structure used or intended for supporting or sheltering any use or occupancy or for affording shelter to persons, animals or property, together with (A) any equipment, mechanical systems, service water heating systems, and electric power and lighting systems located in such structure, and (B) any mechanical systems, service water heating systems, and

electric power and lighting systems located on the site where such structure is located and supporting such structure.

**(j) Building system.** The term “building system” means a combination of central or terminal equipment or components or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as heating, ventilation and air conditioning, service water heating or illumination.

**(k) Commercial building.** The term “commercial building” includes any building that is not a residential building (as defined in subdivision (p) of this section).

**(l) Dwelling unit.** The term “dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**(m) Energy Code.** The term “Energy Code” means the State Energy Conservation Construction Code.

**(n) Grade plane.** The term “grade plane” means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

**(o) Historic building.** The term “historic building” means an existing building or structure that: (1) is listed in the New York State Register of Historic Places, either individually or as a contributing building to a historic district; or (2) is listed in the National Register of Historic Places, either individually or as a contributing building to a historic district; or (3) has been determined to be eligible

for listing in either the New York State or National Register of Historic Places, either individually or as a contributing building to a historic district, by the New York State Commissioner of Parks, Recreation and Historic Preservation; or (4) has been determined to be eligible for listing in the National Register of Historic Places, either individually or as a contributing building to a historic district, by the U.S. Secretary of the Interior.

**(p) Residential building.** The term “residential building” includes:

- (1) detached one-family dwellings having not more than three stories above grade plane;
- (2) detached two-family dwellings having not more than three stories above grade plane;
- (3) buildings that (i) consist of three or more attached townhouse units and (ii) have not more than three stories above grade plane;
- (4) buildings that (i) are classified in accordance with Chapter 3 of the publication entitled “2015 International Building Code,” published by the International Code Council, Inc. (publication date May, 2014) in Group R-2, R-3 or R-4 and (ii) have not more than three stories above grade plane;
- (5) factory manufactured homes (as defined in section 372(8) of the Executive Law); and
- (6) mobile homes (as defined in section 372(13) of the Executive Law).

**(q) Townhouse unit.** The term “townhouse unit” means a single-family dwelling unit constructed in a group of three or more attached units in which each unit (i) extends from the foundation to roof and (ii) has open space on at least two sides.

### **Section 1240.3. Amendments made by the 2015 Energy Code Supplement.**

For the purposes of applying the 2015 IECC Commercial Provisions, the 2015 IECC Residential Provisions, and ASHRAE 90.1-2013 in New York State:

(a) the 2015 IECC Commercial Provisions shall be deemed to be amended in the manner provided in Part 1 of the 2015 Energy Code Supplement;

(b) ASHRAE 90.1-2013 shall be deemed to be amended in the manner provided in Part 2 of the 2015 Energy Code Supplement; and

(c) the 2015 IECC Residential Provisions shall be deemed to be amended in the manner provided in Part 3 of the 2015 Energy Code Supplement.

**Section 1240.4. Energy Code provisions applicable to Commercial Buildings.**

(a) **2015 IECC Commercial Provisions (as amended).** Except as otherwise provided in section 1240.6 (“Exceptions”) of this Part, the construction of all new commercial buildings; all additions to, alterations of, and/or renovations of existing commercial buildings; and all additions to, alterations of, and/or renovations of building systems in existing commercial buildings shall comply with the requirements of the 2015 IECC Commercial Provisions (as amended). The 2015 IECC Commercial Provisions (as amended) are the 2015 IECC Commercial Provisions as said provisions are deemed to be amended by Part 1 of the 2015 Energy Code Supplement. The 2015 IECC Commercial Provisions and the 2015 Energy Code Supplement are incorporated herein by reference. Copies of the 2015 IECC (which includes the 2015 IECC Commercial Provisions) may be obtained from the publisher at the following address:

International Code Council, Inc.

500 New Jersey Avenue, NW, 6th Floor

Washington, DC 20001

Copies of the 2015 Energy Code Supplement may be obtained from the publisher at the following address:

New York State Department of State  
Division of Building Standards and Codes  
One Commerce Plaza, 99 Washington Avenue  
Suite 1160  
Albany, NY 12231-0001

The 2015 IECC and the 2015 Energy Code Supplement are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(b) ASHRAE 90.1-2013 (as amended).** To the extent provided in the 2015 IECC Commercial Provisions (as amended), compliance with the requirements of ASHRAE 90.1-2013 (as amended) shall be permitted in lieu of compliance with specified sections of the 2015 IECC Commercial Provisions (as amended). ASHRAE 90.1-2013 (as amended) is ASHRAE 90.1-2013, as said publication is deemed to be amended by Part 2 of the 2015 Energy Code Supplement. ASHRAE 90.1-2013 and the 2015 Energy Code Supplement are incorporated herein by reference. Copies of ASHRAE 90.1-2013 may be obtained from the publisher electronically at [http://www.techstreet.com/ashrae?ashrae\\_auth\\_token](http://www.techstreet.com/ashrae?ashrae_auth_token), or at the following address:

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.  
1791 Tullie Circle, NE  
Atlanta, GA 30329-2305

Copies of the 2015 Energy Code Supplement may be obtained from the publisher at the following address:

New York State Department of State  
Division of Building Standards and Codes  
One Commerce Plaza, 99 Washington Avenue  
Suite 1160  
Albany, NY 12231-0001

ASHRAE 90.1-2013 and the 2015 Energy Code Supplement are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(c) Referenced standards.** The referenced standards listed in Chapter 6 of the 2015 IECC Commercial Provisions (as amended) are considered to be part of the 2015 IECC Commercial Provisions (as amended), subject to the provisions and limitations set forth in Sections C106.1, C106.1.1, and C106.1.2 of the 2015 IECC Commercial Provisions (as amended). The following referenced standards are incorporated herein by reference and shall be considered to be part of the 2015 IECC Commercial Provisions (as amended), subject to the provisions and limitations set forth in Sections C106.1, C106.1.1, and C106.1.2 of the 2015 IECC Commercial Provisions (as amended):

**(1) AHRI.** The following publications published by the Air Conditioning, Heating, and Refrigeration Institute are incorporated herein by reference:

- (i) Room Fan Coil (“AHRA 440-08”), publication date 2008; and
- (ii) Unit Ventilators (“AHRI 840-98”), publication date 1998.

Copies of said publications may be obtained from the publisher at the following address:

Air Conditioning, Heating, and Refrigeration Institute

4100 North Fairfax Drive

Suite 200

Arlington, VA 22203.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(2) ASHRAE.** The following publications published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. are incorporated herein by reference:

(i) ASHRAE HVAC Systems and Equipment Handbook - 2012 (“ASHRAE-2012”), publication date 2012;

(ii) Energy Standard for Buildings Except Low-rise Residential Buildings (“ASHRAE 90.1-2013”), publication date October, 2013 (NOTE: ASHRAE 90.1-2013 is published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., is jointly sponsored by the Illuminating Engineering Society of North America and the American National Standards Institute, and is also known as “ANSI/ASHRAE/IES 90.1-2013”); and

(iii) Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings (ANSI/ASHRAE/ACCA Standard 183-2007 [RA2011]), publication date 2013.

Copies of said publications may be obtained from the publisher at the following address:

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

1791 Tullie Circle, NE

Atlanta, GA 30329-2305.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(3) ASTM.** The following publications published by ASTM International are incorporated herein by reference:

(i) Standard Test Method for Determining Air Leakage Rate by Fan Pressurization (“ASTM E 779-10”), publication date 2010; and

(ii) Standard Specification for an Air Retarder (AR) Material or System for Low-Rise Framed Building Walls (“ATSM E 1677-11”), publication date 2011.

Copies of said publications may be obtained from the publisher at the following address:

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2859.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(4) CSA.** The following publication published by Canadian Standards Association is incorporated herein by reference: North American Fenestration Standard / Specification for Windows, Doors and Unit Skylights (“AAMA / WDMA / CSA 101 / I.S.2 / A440-11”), publication date 2011.

Copies of said publication may be obtained from the publisher at the following address:

Canadian Standards Association  
5060 Spectrum Way

Mississauga, Ontario, Canada L4W 5N6.

Copies of said publication are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(5) ICC.** The following publications published by International Code Council, Inc. are incorporated herein by reference:

- (i) 2015 International Building Code, publication date \_\_\_\_\_, 2015;
- (ii) 2015 International Fire Code, publication date \_\_\_\_\_, 2015;
- (iii) 2015 International Fuel Gas Code, publication date \_\_\_\_\_, 2015;
- (iv) 2015 International Mechanical Code, publication date \_\_\_\_\_, 2015;
- (v) 2015 International Plumbing Code, publication date \_\_\_\_\_, 2015;
- (vi) 2015 International Property Maintenance Code, publication date \_\_\_\_\_, 2015;
- (vii) 2015 International Residential Code, publication date \_\_\_\_\_, 2015; and
- (viii) Energy Conservation Construction Code of New York State, publication date 2010.

Copies of said publications may be obtained from the publisher at the following address:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6<sup>th</sup> floor  
Washington, DC 20001.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(6) NFPA.** The following publication published by National Fire Protection Association is incorporated hereby by reference: National Electrical Code (NFPA 70-14), publication date 2014.

Copies of said publication may be obtained from the publisher at the following address:

National Fire Protection Association

1 Batterymarch Park

Quincy Ma. 02169-7471.

Copies of said publication are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(7) SMACNA.** The following publication published by Sheet Metal and Air Conditioning Contractors National Association, Inc. is incorporated herein by reference: HVAC Air Duct Leakage Test Manual (“SMACNA-85”), publication date 1985. Copies of said publication may be obtained from the published at the following address:

Sheet Metal and Air Conditioning Contractors National Association, Inc.

4021 Lafayette Center Drive

Chantilly, VA 20151-1209.

Copies of said publication are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(8) UL.** The following publications published by Underwriters Laboratory are incorporated herein by reference:

(i) Standard for Oil-Fired Central Furnaces, Ninth Edition, including revisions through April 22,

2010 (“UL 727-06”), publication date 2010 (Note: The Ninth Edition of this standard was originally published on April 7, 2006. The version of this standard incorporated herein by reference includes revisions through April 22, 2010, and was published in 2010); and

(ii) Oil-fired Unit Heaters—with Revisions through April 2010 (“UL 731-95), original publication date 1995, with revisions published through 2010. Copies of said publications may be obtained from the publisher at the following address:

Underwriters Laboratories  
333 Pfingsten Road  
Northbrook, IL 60062-2096.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**Section 1240.5. Energy Code provisions applicable to Residential Buildings.**

**(a) 2015 IECC Residential Provisions (as amended).** Except as otherwise provided in section 1240.6 (“Exceptions”) of this Part, the construction of all new residential buildings; all additions to, alterations of, and/or renovations of existing residential buildings; and all additions to, alterations of, and/or renovations of building systems in existing residential buildings shall comply with the requirements of the 2015 IECC Residential Provisions (as amended). The 2015 IECC Residential Provisions (as amended) are the 2015 IECC Residential Provisions, as said provisions are deemed to be amended by Part 3 of the 2015 Energy Code Supplement. The 2015 IECC Residential Provisions and the 2015 Energy Code Supplement are incorporated herein by reference. Copies of the 2015 IECC

(which includes the 2015 IECC Residential Provisions) may be obtained from the publisher at the following address:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6th Floor  
Washington, DC 20001

Copies of the 2015 Energy Code Supplement may be obtained from the publisher at the following address:

New York State Department of State  
Division of Building Standards and Codes  
One Commerce Plaza, 99 Washington Avenue  
Suite 1160  
Albany, NY 12231-0001

The 2015 IECC and the 2015 Energy Code Supplement are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(b) Referenced standards.** The referenced standards listed in Chapter 6 of the 2015 IECC Residential Provisions (as amended) are considered to be part of the 2015 IECC Residential Provisions (as amended), subject to the provisions and limitations set forth in Sections R106.1, R106.1.1, and R106.1.2 of the 2015 IECC Residential Provisions (as amended). The following referenced standards are incorporated herein by reference and shall be considered to be part of the 2015 IECC Residential Provisions (as amended), subject to the provisions and limitations set forth in Sections R106.1, R106.1.1, and R106.1.2 of the 2015 IECC Residential Provisions (as amended):

(1) **ACCA.** The following publications published by Air Conditioning Contractors of America are incorporated herein by reference:

- (i) Residential Load Calculation, Eighth Edition (“Manual J – 2011”), publication date 2011; and
- (ii) Residential Equipment Selection (“Manual S—13”), publication date 2013.

Copies of said publications may be obtained from the publisher at the following address:

Air Conditioning Contractors of America  
2800 Shirlington Road, Suite 300  
Arlington, VA 22206.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

(2) **ANSI.** The following publication published by American National Standards Institute is hereby incorporated herein by reference: Method for Measuring Floor Area in Office Buildings (Z-65-96), publication date 1996. Copies of said publication may be obtained from the publisher at the following address:

American National Standards Institute  
25 West 43<sup>rd</sup> Street, Fourth Floor  
New York, NY 10018.

Copies of said publication are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

(3) **ASHRAE.** The following publication published by American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. is incorporated herein by reference: ASHRAE Handbook of Fundamentals - 2013 (“ASHRAE - \_\_\_”), publication date 2013. Copies of said publication may be obtained from the publisher at the following address:

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

1791 Tullie Circle, NE

Atlanta, GA 30329-2305.

Copies of said publication are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

(4) **ASTM.** The following publications published by ASTM International are incorporated herein by reference:

(i) Standard Test Method for Determining Air Leakage Rate by Fan Pressurization (“ASTM E 779-10”), publication date 2010; and

(ii) Standard Test Method for Determining Air Tightness of Building Using an Orifice Blower (“ASTM E 1827-11”), publication date 2011.

Copies of said publications may be obtained from the publisher at the following address:

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2859.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**(5) ICC.** The following publications published by International Code Council, Inc. are incorporated herein by reference:

- (i) 2015 International Building Code, publication date \_\_\_\_\_, 2015;
- (ii) 2015 International Fire Code, publication date \_\_\_\_\_, 2015;
- (iii) 2015 International Fuel Gas Code, publication date \_\_\_\_\_, 2015;
- (iv) 2015 International Mechanical Code, publication date \_\_\_\_\_, 2015;
- (v) 2015 International Plumbing Code, publication date \_\_\_\_\_, 2015;
- (vi) 2015 International Property Maintenance Code, publication date \_\_\_\_\_, 2015;
- (vii) 2015 International Residential Code, publication date \_\_\_\_\_, 2015;
- (ix) Standard on the Design and Construction of Log Structures (“ICC 400–12”), publication date 2012;
- (x) 2006 International Energy Construction Code (“IECC-2006”), publication date 2006; and
- (xi) 2009 International Energy Construction Code (“IECC-2009”), publication date 2009.

Copies of said publications may be obtained from the publisher at the following address:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6<sup>th</sup> floor  
Washington, DC 20001.

Copies of said publications are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

(5) **NFPA.** The following publication published by National Fire Protection Association is incorporated herein by reference: National Electric Code (“NFPA 70-14”), publication date 2014.

Copies of said publication may be obtained from the publisher at the following address:

National Fire Protection Association  
1 Batterymarch Park  
Quincy Ma. 02169-7471.

Copies of said publication are available for public inspection and copying at the office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**Section 1240.6. Exceptions.**

(a) **Historic buildings.** The Energy Code shall not apply to the alteration or renovation of an historic building.

(b) **Certain alterations.** The Energy Code shall not apply to the following alterations of existing buildings, provided that the alteration will not increase the energy usage of the building:

- (1) storm windows installed over existing fenestration;
- (2) glass only replacements in an existing sash and frame;
- (3) existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation;

(4) construction where the existing roof, wall or floor cavity is not exposed;

(5) reroofing for roofs where neither the sheathing nor the insulation is exposed; roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing;

(6) replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates such conditioned space from the exterior shall not be removed;

(7) alterations that replace less than fifty percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power; and

(8) alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.