



# Building Standards and Codes

New York State  
Department of State  
Division of Building Standards and Codes  
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## Filing to the State Fire Prevention & Building Code Council of More Stringent Local Energy Conservation Construction Code (Energy Code – Energy Law § 11-109)

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### **INSTRUCTIONS TO FILER:**

Complete this form to file a more stringent local energy conservation construction code than the State Energy Conservation Construction Code (“Energy Code”) with the State Fire Prevention & Building Code Council (“Code Council”) pursuant to Energy Law §11-109.

Please note that if the filing is submitted within thirty (30) days of the promulgation or adoption of the local code or amendments or revision thereof, then the Municipality may enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is not more restrictive than the Energy Code. **If the filing is not submitted within such thirty (30) day time period, then the Municipality may not enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is more restrictive than the Energy Code.<sup>1</sup>**

### **MUNICIPALITY INFORMATION:**

This Filing relates to a local energy conservation construction code, or any amendment or revision thereof, promulgated or adopted by the following Municipality<sup>2</sup>: \_\_\_\_\_.

### **FILER INFORMATION:**

This Filing is submitted by the Filer named below (the “Filer”):

- Filer is the Chief Executive Officer of the Municipality.
- The Municipality has no Chief Executive Officer. Filer is the Chairperson of the Legislative Body of the Municipality.
- Other (specify): \_\_\_\_\_

Name of Filer: \_\_\_\_\_

Title of Filer:       Mayor    Supervisor    Chairperson of Legislative Body  
                          Other (specify) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number:    Fax Number:                    Email Address:  
(\_\_\_\_) \_\_\_\_-\_\_\_\_    (\_\_\_\_) \_\_\_\_-\_\_\_\_                    \_\_\_\_\_

<sup>1</sup> See Energy Law §11-109(2).

<sup>2</sup> A “municipality” is a county, city, town, village, school district, or district corporation. See Energy Law §11-102(12).

**LOCAL ENERGY CONSERVATION CONSTRUCTION CODE INFORMATION:**

This Filing relates to the Municipality’s local energy conservation construction code, or any amendments or revisions thereof, entitled: \_\_\_\_\_.

A true and complete copy of the local energy conservation construction code, or any amendments or revisions thereof, is included herewith and labeled **Exhibit A**.

Date of promulgation or adoption of the Municipality’s local energy conservation construction code, or any amendments or revisions thereof: \_\_\_\_\_.

**ADDITIONAL DOCUMENTATION:**

List here any additional documentation. The Department of State strongly recommends that the Municipality provide a detailed description of (1) the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof; (2) the corresponding provisions imposed by the Energy Code; and (3) the reasons why the Municipality believes the provisions of the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof, are higher or more restrictive than the Energy Code. However, do not fail to file a copy of the local energy conservation construction code, or any amendment or revision thereof, within thirty (30) days after promulgation or adoption of such local energy code, or any amendment or revision thereof.<sup>3</sup>

**Exhibit B** \_\_\_\_\_ (document name)  
**Exhibit C** \_\_\_\_\_ (document name)  
**Exhibit D** \_\_\_\_\_ (document name)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Filer

\_\_\_\_\_  
Print or Type Name and Title of Filer

**Please submit this Filing form, all exhibits, and any additional documentation to:**

Gerard Hathaway, R.A.  
Assistant Director for Code Development  
NYS Department of State, Division of Building Standards and Codes  
99 Washington Ave., Suite 1160  
Albany, New York 12231

Or by email to: [Dos.sm.codes.codedevelopment@dos.ny.gov](mailto:Dos.sm.codes.codedevelopment@dos.ny.gov).  
When submitting petitions via email, type “[Local Energy Code](#).” in the subject line followed by the name of the Municipality and the Local Law # or Ordinance #. (Example: [Local Energy Code: Town of Anywhere, Local Law #6 of 2017](#)). **Electronic submissions are strongly encouraged.**

If you have questions concerning submission requirements, please call the Code Development Unit at (518) 486-6990, e-mail at [Gerard.Hathaway@dos.ny.gov](mailto:Gerard.Hathaway@dos.ny.gov) or fax at (518) 486-4487.

<sup>3</sup> Please consult with the Municipality’s attorney when submitting a Filing more than thirty (30) days after promulgation or adoption of the local energy conservation construction code, or any amendment or revision thereof.