

Sample Model Energy Code Resolution for Adoption of NYStretch Energy Code - 2020

Below is an example of a model resolution for a municipality to use to adopt NYStretch as a local energy code. This model is provided for reference and example purposes only and does not constitute the provision of legal advice.

Sample Model Energy Code Resolution

Jurisdiction Name
City/Town, NY

[Municipal Governing Body] Resolution
[Resolution Reference Number]

Resolution to Adopt Amendments to Article [# pertaining to e.g., Building Code, Building Energy Code, Energy Conservation, etc.] **[or “to Add provisions for a local energy code under Article #”]** of the **[Municipal] Code**

Information

Department: [MUNICIPALITY] Attorney **Sponsors:** [Chief Executive of Municipality]
Category: Local Laws **Functions:** None

Financial Impact

None.

Body

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that will be ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY);

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses;

WHEREAS, under NY Energy Law § 11-109, the [Municipality] of [Name of Municipality] is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, [additional clauses entered by municipality as deemed necessary regarding introduction of NYStretch];

WHEREAS, the [Municipal Governing Body] is considering [either “**amending provisions of Article #** [pertaining to e.g., Building Code, Building Energy Code, Energy Conservation Code, etc.]” or “**to add provisions for a local energy code under Article #**”] of the [Municipality] Code; and

WHEREAS, a public hearing was held on [DATE], at which time all persons either for or against said amendments were heard; and

WHEREAS, the [Municipal Governing Body] is declared Lead Agency for the purposes of environmental review with respect to the proposed resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, “SEQRA”); and

WHEREAS, the [Municipal Governing Body], as Lead Agency, has advised that the proposed action meets the criteria of a “Type II Action” under SEQRA; now, therefore, be it further

RESOLVED, that Local Law No. [#] of [YEAR] is hereby adopted as follows:

LOCAL LAW NO. [#] OF [YEAR]

A LOCAL LAW [either “**amending provisions of Article #** [pertaining to e.g., Building Code, Building Energy Code, Energy Conservation, etc.]” or “**adding provisions for a local energy code under Article #**”] of the [Municipality] Code;

BE IT ENACTED by the [Municipal Governing Body] of [Municipality] as follows:

Section 1. Legislative Intent

The [Municipal Governing Body] of the [Name of Municipality] seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On [DATE TBD 2020], the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, will become effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed [Code Amendment] seeks to modify the [Municipality] Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

Section 2. Amendment

[Refer to the appropriate section in the Town or City Code where the building code, building energy code, or energy conservation code is adopted, or where the applicability of The New York State Uniform Fire Prevention and Building Code (in accordance with Article 18 of the Executive Law of the State of New York) and the Energy Conservation and Construction Code of New York State (per Article 11 of the Executive Law of the State of New York) are identified.]

§[SECTION # IN MUNICIPALITY’S CODE]

Effective [DATE], the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as “NYStretch”), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch, in the [Municipality] of [Name of Municipality].

Section 3. Authority

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 4. Severability

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date

This local law shall take effect upon filing with the Secretary of State [i.e., within 30 days of adoption of NYStretch] pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

AND BE IT RESOLVED, that the [Municipality] Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE that after a public hearing was held by the [Municipal Governing Body] of the [Name of Municipality] on [DATE], the [Municipal Governing Body], at its meeting on [DATE], adopted Local Law No. [#] of [YEAR] as follows: “A LOCAL LAW [either “**amending provisions of Article #** [pertaining to e.g., Building Code, Building Energy Code, Energy Conservation, etc.]” or “**adding provisions for a local energy code under Article #**”] of the [Municipality] Code.”

SUMMARY OF LOCAL LAW

These code [amendments/provisions] make the [Municipality] Code consistent with revisions to the New York State Energy Conservation and Construction Code and adopt more stringent regulations as they relate to new construction or substantial renovation projects.

Copies of the proposed local law sponsored by [SPONSOR TITLE AND NAME] are on file in the [TOWN/CITY] Clerk’s Office, Monday through Friday, from [BUSINESS HOURS].

BY ORDER OF THE [Municipal Governing Body]
[TOWN/CITY], NEW YORK
[NAME], [Municipality] CLERK