

# Town of Hempstead Nassau County

## § 86-44 Home energy rating index requirements.

- ded 3-4-2008 by L.L. No. 17-2008, effective 3-20-2008; amended 6-21-2011 by L.L. No. 53-2011, effective 6-28-2011]

### A.

Legislative intent. It is the intent of the Town to protect the public health, safety and welfare of its residents by mandating that new dwellings shall comply with the home energy rating **index**. This will ensure that the dwelling(s) will use considerably less energy than if built to prevailing building standards. Compliance with the home energy rating **index** as outlined in this section shall be required in addition to compliance with all other applicable requirements, including current standards outlined in the Energy Conservation Construction Code of the State of New York (Energy Code).

### B.

Any single-family dwelling, two-family dwelling, and multiple-family dwelling which is newly constructed after the effective date of this section (hereinafter the subject dwelling) shall be built to comply with the home energy rating **index** (hereinafter referred to as "the rating") requirements in accordance with the time periods specified in Subsections **D** and **E** contained herein.

### C.

Home energy rating **index** requirements must be satisfied by achieving a rating of 70 or less on the home energy rating system (**HERS**) **index** as defined in the 2006 Mortgage Industry National Home Energy Rating Systems Standards promulgated by the Residential Energy Services Network (RESNET).

### D.

Commencing on July 1, 2011, prior to the issuance of a building permit for any new subject dwelling, the applicant shall certify compliance with home energy rating **index** requirements by providing a New York State **HERS** compliance certificate from an independent certified **HERS** rater. The applicant must demonstrate compliance with all requirements of the rating as described in Subsection **C** hereinabove and indicate compliance with the current version of the Energy Conservation Construction Code of New York State (ECCCNYS).

### E.

Prior to the issuance of a certificate of occupancy for any building permit granted in accordance with Subsection **D** for any new subject dwelling, the applicant shall certify that the subject dwelling satisfies the rating requirements by the following method:

(1)

A home energy rating certificate shall be submitted, from an independent certified **HERS** rater, which demonstrates compliance with all requirements of the rating as described in Subsection **C** hereinabove, including all performance and field-testing verification and compliance with the current version of the Energy Conservation Construction Code of New York State (ECCCNYS).

(2)

The **HERS** rater shall also attest that:

(a)

The subject dwelling complies with the ventilation requirements of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE) 62.2 standard most recently published at the time the most recent building permit was issued.

(b)

All combustion appliances in the subject dwelling comply with combustion safety testing standards promulgated by RESNET, the Building Performance Institute, or other organization approved by the Commissioner. Testing is to be performed by an individual who has completed appropriate training as approved by the Commissioner.

(c)

The subject dwelling complies with both Section 402.4.2.1 and Section 402.4.2.2. of the New York State Energy Conservation Construction Code, as amended, or its successor regulations.

(d)

Ducts within the subject dwelling have been subjected to an HVAC duct leakage test as defined in Section 403.2.2 of the ECCCNYS, as amended, or its successor regulations, and achieve the following criteria:

[1]

Post-construction test leakage to outdoors shall be less than or equal to six cubic feet per minute at 25 pascals per 100 square feet of conditioned floor area;

[2]

Rough-in test leakage shall be less than or equal to four cubic feet per minute at 25 pascals per 100 square feet of conditioned floor area.

(e)

An ACCA Manual J has been performed for the subject dwelling as defined in Section 403.6 of the Energy Conservation Construction Code of New York State, as amended, or its successor regulations.

(f)

All HVAC ducts not completely inside the subject dwelling's thermal envelope are insulated as required by Section 403.2 of the ECCCNY, as amended, or its successor regulations.

F.

Notwithstanding any provision contained in this § 86-44, the testing and verification requirement may be waived by the Commissioner upon the Long Island Power Authority (LIPA) submitting a certification that no testing or verification protocol and procedure can be applied accurately in a particular building configuration.

G.

The term "newly constructed" as set forth in Subsection B hereinabove shall not include any substantial renovation or expansion of a building in existence prior to the effective date of this section and shall not include any new renovation, alteration or the maintaining of a building that was in existence prior to the effective date of this section.

H.

Notwithstanding any provision contained in this § 86-44, a subject dwelling may be voluntarily constructed to the standards of the ENERGY STAR homes program. However, compliance with the rating and the current version of the Energy Conservation Construction Code of New York State (ECCCNY) shall still be required.

I.

The Commissioner of the Department of Buildings shall establish requirements for certified **HERS** raters practicing in the Town to provide proof of certification, insurance and independence, and shall maintain an approved list of raters that have provided this information. The Commissioner shall establish rules to limit conflict of interest in the **HERS** rating of subject dwellings. Raters may be removed from the approved list by the Commissioner for cause.