

## Town of Islip Suffolk County

### § 68-30.1 Energy Star requirements.

**[Added 4-29-2008; amended 10-13-2010; 9-7-2011]**

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 achieve minimum energy conservation performance as verified through diagnostic testing conducted by independent, certified professional raters. This will ensure that the dwelling(s) will use less energy than if built to prevailing building standards. Compliance with this section shall be required in addition to compliance with all other applicable requirements. It is further intended that the minimum standards of the current New York State Energy Conservation Construction Code (ECCCNYS) must be met. In the event of a conflict, the codes of New York State will have preference.

B.

Any new residential structures of all types, as well as structures deemed residential and defined as commercial structures under the New York State code (hereafter "subject dwelling"), shall be built to achieve minimum energy conservation performance, as verified by the Home Energy Rating System (HERS) promulgated by the Residential Energy Service Network (RESNET).

C.

The energy conservation requirements must be satisfied by achieving a rating of 65 or less on the HERS Index as defined in the 2006 Mortgage Industry National Home Energy Rating System Standards promulgated by RESNET.

D.

In addition to demonstrating compliance with the standard set forth in Subsection C above, prior to issuance of a certificate of occupancy, the subject dwelling must comply with the following additional requirements:

(1)

Include a tamper-resistant, automatically controlled mechanical ventilation system that provides whole-house ventilation (dilution air) as required by the ASHRAE 62.2 standard most recently published at the time the most recent building permit was issued;

(2)

Comply with the Combustion Safety Testing Standards promulgated by RESNET, the Building Performance Institute, or other organization approved by the Director of the Building Division. Testing is to be performed by an individual who has completed appropriate training as approved by the Director of the Building Division; and

(3)

HVAC ducts in the subject dwelling shall be subject to an HVAC duct leakage test as defined in Section 403.2.2 of the Energy Conservation Construction Code of New York State (ECCCNYS) and achieve the following criteria;

(a)

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;

(b)

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.

The appropriate staff in the Building Division, as determined by the Director of the Building Division, will be trained and certified in an appropriate manner to allow enforcement of the provisions of this section.

F.

Prior to the issuance of a building permit for any new subject dwelling, the applicant shall certify compliance with energy conservation requirements by submitting a New York State HERS compliance certificate from an independent certified HERS rater, architect or professional engineer indicating that the subject dwelling is designed to meet the required HERS index of 65. Said certificate must indicate compliance with the current version of the ECCCNYS based on source energy expressed in energy costs or BTU or BTU per square foot of conditioned space as defined by Section N1101.4.1 of the Residential Code of New York State. Prior to issuance of a certificate of occupancy, proof of all field verification and testing requirements, in a form acceptable to the Director of the Building Division, shall be submitted.

G.

Prior to the issuance of a certificate of occupancy for any subject dwelling which is granted a building permit after the effective date of this section, the applicant shall be required to demonstrate compliance with Subsections [B](#) and [C](#) of this section by submitting a final [HERS](#) rating performed by a RESNET-certified [HERS](#) rater. The [HERS](#) rater shall attest that the subject dwelling complies with the following requirements:

(1)

Achieves a rating of 65 or lower on the [HERS Index](#).

(2)

Meets the ventilation requirements of Subsection [D\(1\)](#) of this section.

(3)

Passes combustion safety testing required by Subsection [D\(2\)](#) of this section.

(4)

The subject dwelling complies with both Sections 402.4.2.1 and 402.4.2.2 of the ECCCNYSP.

(5)

Ducts within the subject dwelling have been subjected to an HVAC duct leakage test and achieved the standards required by Subsection [D\(3\)](#) of this section.

(6)

An ACCA Manual J has been performed for the subject dwelling as defined in Section 403.6 of the ECCCNYSP.

(7)

All HVAC ducts not completely inside the subject dwelling's thermal envelope are insulated as required by Section 403.2 of the ECCCNYSP.

(8)

A permanent certificate, which includes the building's [HERS index](#), in a format approved by the Director of the Building Division, has been affixed on or in the electrical distribution panel.

H.

Prior to the issuance of a certificate of occupancy for any subject dwelling which was granted a building permit prior to the effective date of this section, the applicant shall provide evidence that the subject dwelling complies with all substantive aspects of the LIPA Energy Star Homes Version 2 Program, using either the **HERS** or Builder Option Package method, and meets the equivalent of a minimum home energy rating of 87 pursuant to such Energy Star Program. Prior to issuance of a certificate of occupancy, all field verification and testing requirements of that program shall be met.

I.

Commencing on January 1, 2012, prior to the issuance of a building permit for any new subject dwelling for which a building permit has been previously issued and for which construction has not progressed beyond the foundation, the applicant shall comply with Subsection **D** of this section. Prior to issuance of a certificate of occupancy, the subject dwelling shall meet all requirements of Subsection **E** of this section.

J.

The Director of the Building Division shall establish requirements for **HERS** raters practicing in the Town of Islip to provide proof of certification, insurance, experience and independence, and shall maintain a list of approved raters who have provided this information and filed other required information with the Director of the Building Division. The Director of the Building Division shall establish rules to limit conflicts of interest in the **HERS** rating of subject dwellings. No **HERS** rater may provide the documentation required by Subsections **D** or **E** of this section, unless he/she complies with the filing and conflict of interest requirements established by the Director of the Building Division and is currently on the list of approved raters. **HERS** raters may be removed from the list of approved raters by the Director of the Building Division for cause.

K.

Notwithstanding any provision contained in this section, the testing and verification requirement may be waived upon the Long Island Power Authority submitting a certification that no testing or verification protocol and procedure can be applied accurately in a particular building configuration.

L.

At the discretion of the Director of the Building Division, the **HERS** plans and field inspection may be conducted by a Town employee appropriately certified as a

**HERS** rater and/or a third party **HERS** rater not employed by the Town and who will contract to perform such **HERS** services directly with the applicant.

M.

In accordance with New York State Law 11-109:

(1)

Nothing in this article shall be construed as abrogating or impairing the power of any municipality or the Secretary of State to enforce the provisions of any local building regulations or the State Uniform Fire Prevention and Building Construction Code, provided that such local building regulations are not inconsistent with the code; nor shall anything in this article be construed as abrogating or impairing the power of any municipality to promulgate a local energy conservation construction code more stringent than the code.

(2)

Any municipality which adopts a local energy conservation construction code in accordance with this section shall file a copy of such code and any amendments or revisions thereof with the State Fire Prevention and Building Code Council within 30 days after promulgation or adoption of such code, amendments or revisions. The failure to comply with the provisions of this subsection shall not impair or otherwise affect the validity of such local code or amendment or revision