

Town of Hempstead

A local law to enact a new section 86-44 of chapter 86 of the code of the town of Hempstead in relation to compliance with new "ENERGY STAR®" standards for certain new construction in the town of Hempstead.

Introduced by,

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section One. New section 86 -44 of chapter 86 of the code of the town of Hempstead in relation to compliance with "ENERGY STAR" standards for certain new construction in the town of Hempstead is enacted, so that it shall read as follows:

§ 86-44. ENERGY STAR Requirements

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 Long Island Power Authority New York ENERGY STAR Labeled Homes Program guidelines, as they may be applicable. This will ensure that the dwelling(s) will use considerably less energy than if built to prevailing building standards. Compliance with the Long Island Power Authority New York ENERGY STAR Labeled Homes Program guidelines 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) ~

A. Any single family dwelling, two-family dwelling, and multiple family dwellings (in buildings containing four units or less, not more than three stories in height, with a separate means of egress for each dwelling, minimum of one heating facility for each four dwelling units and a separate primary electric meter for each dwelling unit, including townhomes.) which is newly constructed after the effective date of this section (hereinafter "Subject Dwelling"), shall be built to comply with the Long Island Power Authority New York ENERGY STAR Labeled Homes Program" requirements in accordance with the time periods specified in paragraphs C and D contained herein.

B. The ENERGY STAR Requirements must be satisfied by compliance with one of the following standards:

1. The Builder Option Package as established by LIPA, or

2. Achieving a home energy rating of 84 or higher on the current expanded Home Energy Rating System (HERS) Scoring System adopted by the State of New York (which corresponds to an Index of 80 or less as defined in the "2006 Mortgage Industry National Home Energy Rating Systems Standards" promulgated by the Residential Energy Services Network (RESNET))

C. Commencing on August 1, 2008, prior to the issuance of a building permit for any new Subject Dwelling the applicant shall certify compliance with ENERGY STAR Requirements by the following method:

1. An ENERGY STAR Home Report (HERS) shall be submitted, which demonstrates compliance with all requirements of the Program as described above.

D. Commencing on August 1, 2008, prior to the issuance of a certificate of occupancy for any building permit for any new Subject Dwelling approved as an ENERGY STAR Labeled Home the applicant shall certify that the Subject Dwelling satisfies the Program Requirements by obtaining a Home Energy Rating Certificate (HERS), including all performance and field testing verification

E. Notwithstanding any provision contained in this section 86-44, the testing and verification requirement may be waived 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.

F. The term "newly constructed" as set forth at subsection "A" hereinabove shall not include any new renovation or expansion of a building in existence prior to the effective date (s) 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(s) of this section.

§2. This local law shall become effective immediately upon filing with the secretary of state.