

Town of Babylon Suffolk County

ARTICLE VI

[Added 8-15-2006 by L.L. No. 23-2006]

§ 89-79 Intent.

[Amended 6-7-2011 by L.L. No. 12-2011]

The intent is to protect the public health, safety and welfare of its residents by mandating that new single-family dwellings achieve minimum energy conservation performance, as verified through diagnostic testing conducted by independent, certified professional raters, thus ensuring that the dwellings will use considerably less energy than if built to prevailing building standards. Compliance with this section shall be required in addition to compliance with current standards outlined in the Energy Conservation Construction Code of the State of New York (the Energy Code).

A.

Any new single-family 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).

B.

The energy conservation 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 System Standards promulgated by the Residential Energy Services Network (RESNET).

C.

In addition to demonstrating compliance with the standard set forth in Subsection **B** above, prior to issuance of 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) at a rate required by the ASHRAE 62.2 standard most recently published at the time the most recent building permit was issued; and

(2)

Comply with the combustion safety testing standards promulgated by the Building Performance Institute, as tested by a building analyst certified by the Building Performance Institute, or equivalently trained analyst approved by the commissioner.

D.

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 NYS **HERS** compliance certificate from an independent certified **HERS** rater, architect or PE indicating that the building was designed to meet the required **HERS index** of 70. Said certificate must indicate compliance with the current version of the Energy Conservation Construction Code of New York State (ECCCNYS) based on source energy expressed in BTU or BTU per square foot of conditioned space as defined by § N1101.4.1 of the Residential Code of New York State.

E.

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 measure, 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 70 or lower on the **HERS Index**.

(2)

Meets the ventilation requirements of Subsection **C(1)**.

(3)

Passes combustion safety testing required by Subsection **C(2)**.

(4)

The subject dwelling complies with both §§ 402.4.2.1 and 402.4.2.2 of the New York State Energy Conservation Construction Code.

(5)

Ducts within the subject dwelling have been subjected to an HVAC duct leakage test in accordance with the requirements of the 2006 Mortgage Industry National Home Energy Rating System (RESNET Standard), and the system has a leakage rate to outside no greater than 0.06 cfm for each square foot of conditioned floor space as measured in accordance with ANSI Standard Z765-2003 with exceptions as specified in Appendix A of the RESNET Standard. For homes with multiple systems, the aggregate leakage of all installed duct systems will be no greater than the maximum allowable rate as calculated by the formula above.

(6)

An ACCA Manual J has been performed for the subject dwelling as defined in § 403.6 of the Energy Conservation Construction Code of New York State.

(7)

All HVAC ducts not completely inside the subject dwelling's thermal envelope are insulated to a minimum of R-6 as defined in § 405.2 of the ECCCNY.

(8)

A permanent certificate has been affixed on or in the electrical distribution panel in accordance with Chapter 4, § 401.3 of the Energy Construction Code of New York State, which includes the building's HERS Index.

F.

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 measure, the applicant shall provide evidence that the subject dwelling complies with all aspects of the LIPA ENERGY STAR Homes Program, using either the Home Energy Rating System (HERS) or Builder Option Package method. Prior to issuance of a certificate of occupancy, all field verification and testing requirements of that program shall be met.

G.

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 certificate of occupancy the subject dwelling shall comply with Subsection E of this section.

H.

The commissioner shall establish requirements for **HERS** raters practicing in the Town to provide proof of certification, insurance, experience and independence, and shall maintain a list of raters that have provided this information and filed other required information with the commissioner. The commissioner shall establish rules to limit conflicts of interest in the **HERS** rating of subject dwellings. Raters may be removed from the approved list by the commissioner for cause.

§ 89-80 Exemptions.

[Amended 6-7-2011 by L.L. No. 12-2011]

Notwithstanding any provision contained in § **89-79**, 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.