

# Town of North Hempstead Nassau County

[Added 11-18-2008 by L.L. No. 12-2008]

## § 2-77 Applicability.

All new dwellings for which a building permit application was filed after January 1, 2009, shall conform to the New York ENERGY STAR Labeled Homes Program as modified and administered by the Long Island Power Authority (LIPA) in accordance with the standards and requirements of this article. For purposes of this article, new construction shall only refer to structures that are one-hundred-percent newly built structures from the ground up and shall not apply to expansions and renovations.

## § 2-79 Requirements for compliance.

### A.

Prior to the issuance of a certificate of occupancy for new one- and two-family dwellings, single-family attached units (townhouses), and multiple family residences of less than five units provided there is a separate means of egress for each unit, the applicant shall demonstrate that:

#### (1)

The dwelling(s) complies with the Long Island Power Authority New York ENERGY STAR Labeled Homes Program requirements by one of the following methods:

#### (a)

Meeting all of the specifications of the LIPA ESLH Program Builder Option Package, as defined in § [2-78](#); or

#### (b)

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.

#### (2)

The project complies with the following additional requirements:

#### (a)

The project must include a minimum of 500 kilowatt hours of electricity savings per dwelling unit as defined by the LIPA NYSELH program;

(b)

The project must include an automatically controlled mechanical ventilation system; and

(c)

The project must comply with the Combustion Safety Testing Standards and Procedures for New York ENERGY STAR Labeled Homes.

B.

Prior to the issuance of a certificate of occupancy, any multiple-family residence of five or more units, multiple-family residence of less than five units which share a common egress, or congregate care residential community shall demonstrate compliance with the following requirements of the Long Island Power Authority Builder Option Package prescriptive standards:

(1)

The thermal envelope requirements (R-values and U-values only); and

(2)

The electrical savings and ventilation requirements; and

(3)

The equipment efficiency requirements.

## **§ 2-80 Method of compliance.**

A.

All new permit applications for the construction of new one- and two-family dwellings, single-family attached units (townhouses), and multiple-family residences of less than five units must be accompanied by a certification by the design professional that the subject dwelling will comply with all aspects of the LIPA NYSELH program, using either the Home Energy Rating System or LIPA Builder Option Package method.

B.

Applicants for any multiple-family residence of five or more units, multiple-family residence of less than five units which share a common egress, or congregate care residential community must submit a certification from a New York State licensed architect or engineer that the project complies with the requirements of § 2-79C.

C.

The applicant must submit the results of field tests conducted by a certified HERS rater. A list of certified HERS raters may be obtained from the Department of Buildings. Applicants shall notify the Building Inspector at least 48 hours prior to conducting any field test.

D.

The testing and verification requirement may be waived by the Commissioner of Buildings upon the receipt of certification by the certified HERS rater that no testing or verification protocol and procedure can be applied accurately in a particular building configuration.

E.

The Town personnel retain the right to be present at any HERS inspection or to conduct any HERS test or any portion of said test as part of the Building Department inspection and certification process and/or for auditing and control purposes

F.

The Building Department retains the right to reject certification based on the Commissioner's, or any of his designees' (i.e., all management and inspection personnel's), information and belief that any portion of the HERS test was incomplete, incorrect, insufficient or untimely. The Building Department retains the right to perform repeat inspections as needed, as determined by Building Department personnel. The Town of North Hempstead is not responsible for any costs associated with the HERS testing, inspection, and/or certification process.

**§ 2-81 Compliance required for issuance of certificate of occupancy.**

No certificate of occupancy may be issued for any dwelling subject to the requirements of this article that does not comply with the requirements and specifications contained herein.