



2020 ECCCNYS Alteration Exemptions

In this edition of the Code Outreach Program, we intend to clarify some of the commonly misunderstood exemptions from the new construction provisions of the 2020 ECCCNYS¹ by providing examples of scenarios that a CEO may encounter. In general, Energy Law § 11-103 (1)(b) provides in part that: “*the [Energy Code] shall not apply to the following provided that the energy use of the building is not increased:*”

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. Reroofing for roofs where neither the sheathing nor the insulation is exposed; roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates such conditioned space from the exterior shall not be removed.
7. Alterations that replace less than fifty percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

Such exceptions are included in the Energy Code under 19 NYCRR § 1240.6 (b) and sections C101.3 and R101.3 of the 2020 ECCCNYS.

Energy Law § 11-103 also allows any other exception adopted by the State Fire Prevention and Building Code Council, provided it complies with § 11-103 (1)(b)(9). There are additional exemptions provided in Sections C503.1 and R503.1.1 of the 2020 ECCCNYS as noted below:

- Surface-applied window film installed on existing single-pane fenestration assemblies reducing solar heat gain, provided that the code does not require the glazing or fenestration to be replaced [see C503.1 (2) and R503.1.1 (6)].
- Roof recover [see C503.1 (5) and R503.1.1 (4)].
- Air barriers shall not be required for roof recover and roof replacement where the alterations or renovations to the building do not include alterations, renovations, or repairs to the remainder of the building envelope [see C503.1 (7)].

Examples of scenarios a CEO may encounter

Example 1 – An alteration that includes removing and replacing the existing gypsum board (or exterior sheathing) from a 2 x 4 wood framed exterior wall, and the existing cavity is already filled with 3 ½ inches of batt insulation. Energy Law § 11-103 (1)(b)(3) provides that the existing insulation may remain as is and provided no other work is performed, the alteration would not need to meet the Energy Code for new construction. Additionally, if the cavity is not already filled with insulation, the exception permits the building owner/applicant to simply fill the cavity with a code compliant insulation, and does not require the cavity insulation to meet the Energy Code requirements for new construction, only the depth which the existing cavity can hold.

Example 2 – An alteration that includes changing the existing siding from cedar shingles to vinyl siding. Assuming the existing sheathing is not removed, and/or the framing cavity is not exposed, then the existing wall does not need to meet the provisions of the Energy Code per Energy Law § 11-103 (1)(b)(4).

Example 3 – An alteration includes reroofing a roof that is part of the building thermal envelope, where the existing insulation is above or below deck insulation rather than cavity insulation. If, during the alteration work the existing roof sheathing or decking, or the existing above or below sheathing or decking insulation is exposed, then the roof insulation is required to meet the new construction provisions. The required insulation may be installed either above or below the exposed sheathing, insulation, or decking. Although in this example, the existing roof cavity is not exposed, Energy Law § 11-103 (1)(b)(5) is more specific than § 11-103 (1)(b)(4) and therefore, insulation as noted above shall be provided.

Please note: Energy Law § 11-103 (1)(b) provides that the “*code shall not be interpreted to require any unaltered portion of the existing building or building system to comply with the code.*”

¹ Access to online versions of the 2020 Codes of New York State may be found on the DBSC website.