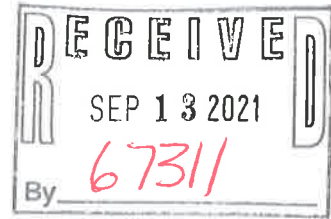


TAL G. RAPPLEYEA

ATTORNEY AT LAW
23 Fordham Road
Valatie, NY 12184
(518) 758-8034 • Fax (518) 758-8038
tal@talrappleyea.com



September 10, 2021

Assistant Director for Code Development
NYS Department of State
Division of Building Standards and Codes
99 Washington Ave., Suite 1160
Albany, NY 12231

Re: Local Energy Code

Ladies and Gentlemen:

Enclosed, please find the original fully executed Adoption of NYStretch Energy code-2020, relative to the above. Please return proof of filing at your convenience.

If you have any questions, please do not hesitate to contact me.

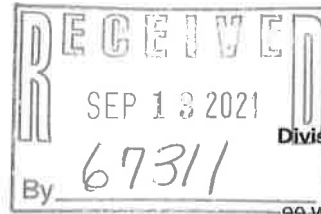
Very truly yours,


Tal G. Rappleyea

TGR/her
Enclosure



Building Standards and Codes



New York State
Department of State
Division of Building Standards and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
Phone: (518) 474-4073
Fax: (518) 486-4487
www.dos.ny.gov

Filing to the State Fire Prevention & Building Code Council of More Stringent Local Energy Conservation Construction Code (Energy Code – Energy Law § 11-109)

INSTRUCTIONS TO FILER:

Complete this form to file a more stringent local energy conservation construction code than the State Energy Conservation Construction Code (“Energy Code”) with the State Fire Prevention & Building Code Council (“Code Council”) pursuant to Energy Law §11-109.

Please note that if the filing is submitted within thirty (30) days of the promulgation or adoption of the local code or amendments or revision thereof, then the Municipality may enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is not more restrictive than the Energy Code. **If the filing is not submitted within such thirty (30) day time period, then the Municipality may not enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is more restrictive than the Energy Code.**¹

MUNICIPALITY INFORMATION:

This Filing relates to a local energy conservation construction code, or any amendment or revision thereof, promulgated or adopted by the following Municipality²: Village of Athens

FILER INFORMATION:

This Filing is submitted by the Filer named below (the “Filer”):

- Filer is the Chief Executive Officer of the Municipality.
- The Municipality has no Chief Executive Officer. Filer is the Chairperson of the Legislative Body of the Municipality.

Other (specify): Attorney for the Village of Athens

Name of Filer: Tal G. Rappleyea

Title of Filer: Mayor Supervisor Chairperson of Legislative Body
 Other (specify) Attorney for the Village of Athens

Address: 23 Fordham Road
Valatie, NY 12184

Telephone Number: (518) 225-9140 Fax Number: (518) 610-8707 Email Address: tal@talrappleyea.com

¹ See Energy Law §11-109(2).

² A “municipality” is a county, city, town, village, school district, or district corporation. See Energy Law §11-102(12).

LOCAL ENERGY CONSERVATION CONSTRUCTION CODE INFORMATION:

This Filing relates to the Municipality's local energy conservation construction code, or any amendments or revisions thereof, entitled: ADOPTING THE NEW YORK STATE STRETCH CODE.

A true and complete copy of the local energy conservation construction code, or any amendments or revisions thereof, is included herewith and labeled **Exhibit A**.


Date of promulgation or adoption of the Municipality's local energy conservation construction code, or any amendments or revisions thereof: July 28, 2021.

ADDITIONAL DOCUMENTATION:

List here any additional documentation. The Department of State strongly recommends that the Municipality provide a detailed description of (1) the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof; (2) the corresponding provisions imposed by the Energy Code; and (3) the reasons why the Municipality believes the provisions of the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof, are higher or more restrictive than the Energy Code. However, do not fail to file a copy of the local energy conservation construction code, or any amendment or revision thereof, within thirty (30) days after promulgation or adoption of such local energy code, or any amendment or revision thereof.³

- Exhibit B** _____ (document name)
- Exhibit C** _____ (document name)
- Exhibit D** _____ (document name)

Dated: September 10, 2021



Signature of Filer

Tal G. Rappleyea

Print or Type Name and Title of Filer

Please submit this Filing form, all exhibits, and any additional documentation to:

Assistant Director for Code Development
NYS Department of State, Division of Building Standards and Codes
99 Washington Ave., Suite 1160
Albany, New York 12231

Or by email to: Dos.sm.codes.codedevelopment@dos.ny.gov.
When submitting petitions via email, type "Local Energy Code:" in the subject line followed by the name of the Municipality and the Local Law # or Ordinance #. (Example: Local Energy Code: Town of Anywhere, Local Law #6 of 2017). Electronic submissions are strongly encouraged.

If you have questions concerning submission requirements, please call the Code Development Unit at (518) 474-4073, option 3, e-mail at Dos.sm.codes.codedevelopment@dos.ny.gov or fax at (518) 486-4487.

³ Please consult with the Municipality's attorney when submitting a Filing more than thirty (30) days after promulgation or adoption of the local energy conservation construction code, or any amendment or revision thereof.

Attorney's Certification

THE UNDERSIGNED, an Attorney admitted to practice in the courts of New York State hereby certifies that he has compared the foregoing copy with the original and found it to be a true and complete thereof. Certification is hereby made pursuant to Section 2105 of the NYS CPLR.

Dated: 9/10/21


Tal G. Rappleyea, Esq.

Village of Athens
Local Law No. of 2021
Adoption of NYStretch Energy code-2020

Section 1: Legislative Intent

The Mayor and the Village Trustees of the Village of Athens seek to protect and promote the public health, safety, and welfare of its residents with energy efficient building standards. The Village of Athens has taken the lead on sustainable initiatives including, but not limited to, installing electric charging stations for vehicles, adopting a local law to encourage the installation of solar infrastructure, and preserving open space. The Mayor and Village Trustees have directed staff to research the implementation of the NYStretch Energy Code-2020 ('NYStretch'). NYSTRETCH is a supplement to the existing 2020 Energy Conservation Construction code of New York State. NYStretch contains standards which are intended to make buildings approximately 10% more efficient by creating new standards for items such as insulation, windows, ventilation, and lighting.

Section 2: Adoption of the NYStretch Energy Code-2020

The Village Trustees of the Village of Athens hereby adopts the NYStretch Energy Code-2020. Any provision in the NYStretch Energy Code-2020 which conflicts with any provision in the Conservation Construction Code of New York State-2020 (ECCCNYS-2020) shall be severed from the Village's adoption of the NYStretch Energy Code-2020. Specifically, NYStretch-2020, section R403.6.2 is excluded from the adoption of this local law.

Section 3: Authority

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule §20.

Section 4: Severability

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State

BY ORDER OF THE VILLAGE BOARD
OF THE VILLAGE OF ATHENS

Adopted: 7/28/21