

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

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**Draft** minutes of the NYS Fire Prevention and Building Code Council meeting on Friday, March 31, 2023, commencing at 10:05 a.m. and held by videoconference at:

- ❖ 99 Washington Avenue, Albany, NY, Conference Room 505;
- ❖ 123 Williams Street, NYC, NY, Conference Room 231; and
- ❖ 295 Main Street, Buffalo, NY, Conference Room 803.

**Council members and designees present:**

Matthew Tebo, Presiding (Albany)  
James Cable (Albany)  
Michael Weber (NYC)  
Vincent Rapacciuolo (Albany)  
Keith Wen (NYC)  
Joseph M. DeStefano (Albany)  
Claudia Braymer (Albany)

Joseph Toomey (Albany)  
Shawn Hamlin (Albany)  
Timothy DeRuyscher (Albany)  
Robert Hughes (Albany)  
William Tuyn (Buffalo)  
Dominic Marinelli (Buffalo)

**Staff present:** John Addario, Panagiota Hyde, Kevin Duerr-Clark, Emma Gonzalez-Laders, China Clarke, Gregory Benton, Jeanne Rice, Hendrikus Shank, Chad Sievers, and Daniel Carroll.

**Agenda Item 1. Welcome.**

Chairperson Tebo called the meeting to order, and thanked the Code Council members for their willingness to serve and the staff for quickly preparing the first draft version of the 2024 code update documents.

Kevin Duerr-Clark called the roll and announced that thirteen (13) Code Council members were present. Chairperson Tebo noted that there was a quorum and that all members were at locations open to the public.

Chairperson Tebo proceeded to explain the general rules and procedures for the meeting, and asked if there were any agenda changes, to which Kevin Duerr-Clark replied that the Town of East Hampton requested to be removed from the agenda and that the Town of Henrietta will be moved up in the agenda to be heard first in the list of Energy Code Filings (addressed under agenda item 4).

**Agenda Item 2. Draft Minutes – December 09, 2022.**

Chairperson Tebo asked if anyone wished to propose changes to the minutes of the December 09, 2022 meeting. Bill Tuyn noted the Buffalo address should be updated to 295 Main Street. Keith Wen asked for confirmation that Code Council members can meet and discuss Code Council topics outside of the scheduled executive meetings. Chairperson Tebo stated that pursuant to the law, members can meet outside of the Code Council meeting times as long as the number of members that meet does not constitute a quorum; and that the only change to the minutes will be the updated Buffalo address.



**Department  
of State**

Joseph Toomey moved to approve the minutes as amended by Bill Tuyn. Claudia Braymer seconded the motion, Shawn Hamlin abstained (Shawn Hamlin was not present at the December 09, 2022 meeting), and the motion passed unanimously.

### **Agenda Item 3. Chapter 18 of the Laws of 2023.**

Panagiota Hyde presented that on November 23, 2022, Bill A8646/S7858 was signed by the Governor as Chapter 651 of the Laws of 2022, along with Approval Message No. 33. The law amends the Executive Law to provide that hot tubs and spas equipped with a safety cover which complies with ASTM F1346 (2003), or any similar standard which may be approved by the Code Council, are exempt from the pool alarm and barrier requirements of Subdivision 14. Based on the Governor's Approval Memo No. 33, an agreement was secured with the legislature to clarify that the intent was to only exempt hot tubs and spas with safety covers from both the pool alarm and barrier requirements of Subdivision 14, and that swimming pools with automatic power safety covers would still only be exempt from the pool alarm requirements. On March 3, 2023, Bill A625/S1347 was signed by the Governor as Chapter 18 of the Laws of 2023. This law addresses the content of Approval Memo No. 33 and also makes a technical amendment to re-letter the second paragraph c as paragraph d (which related to temporary swimming pool enclosure requirements).

Chairperson Tebo asked if there were any questions. Upon hearing none, Kevin Duerr-Clark added a comment that the public comment period closed on March 27<sup>th</sup> 2023 and that the Department received no public comments, but made one minor editorial change by removing an "s" to one word; stating that the packet the Code Council received today is substantially the same as the one they received before.

Chairperson Tebo made two motions read by Panagiota Hyde: the first was for approval to file a Short Environmental Assessment Form indicating that there will be no adverse environmental impacts; and the second was for approval to file the Notice of Adoption and for the rule to become effective upon publication of the Notice of Adoption in the State Register, because the change to the code will not impose any additional compliance requirements on any person. Bill Tuyn and Robert Hughes seconded the first and second motions, respectively. There was no discussion on the motions and both passed unanimously. Chairperson Tebo asked when the second motion will be effective, Panagiota Hyde responded that if filed on or before Tuesday then it will be effective April 19<sup>th</sup>.

### **Agenda Item 4. More Restrictive Energy Code Filings (Energy Law §11-109)**

Chris Sgroi from NYSERDA presented that NYSERDA has become aware of municipalities adopting NYStretch and severing additional provisions beyond the more common mechanical ventilation/ERV/HRV provision with which the Code Council has become familiar. Although NYSERDA published a cost-effectiveness analysis relative to State Energy Code baseline for both the residential and commercial parts of NYStretch-2020, NYSERDA does not intend to perform formal, supplemental modeled analyses for local governments that adopt NYStretch-2020 with specific provisions severed. However, because NYStretch was produced as an above-code supplement, it remains that the net result of a local government's removal of any one or more provisions of NYStretch from its local energy code, results in a code that is more restrictive than the 2020 Energy Conservation Construction Code of New York State. This is because the removal of any one or more provisions of NYStretch from a local energy code will result in a return to baseline provisions of the State Energy Code, and the remaining balance of the provisions still included from NYStretch within the local energy code are more restrictive than State Energy Code.

Town of Henrietta (LL No. 2 of 2023)

Emma Gonzalez-Laders stated that the Town of Henrietta adopted a more restrictive local energy code based on NYStretch 2020 and their local law was filed within 30 days of its promulgation so it was enforceable. The Town of Henrietta severed several provisions of NYStretch 2020, which included the mechanical ventilation provision, and the division recommended that it be found to be more restrictive than the State Energy Code.

Panagiota Hyde read a motion on behalf of Chairperson Tebo, seconded by Joseph Toomey, finding the Town of Henrietta's local energy conservation construction code to be more restrictive than the State Energy Code. The motion was unanimously approved by the Code Council.

#### Town of Ithaca and City of Ithaca

Emma Gonzalez-Laders stated that both the City and Town of Ithaca adopted a nearly identical version of the Ithaca Energy Code Supplement (IECS), and the IECS provisions must be complied with in addition to the State Energy Code. The IECS contained provisions that were effective January 2023 and different provisions effective January 2026. During the Code Council meeting of September 2022 the Code Council found the near-term provisions to be more restrictive than the State Energy Code. Earlier this year both the City and Town of Ithaca adopted a resolution and local law, respectively, that contained editorial clarifications to the IECS that increased the number of points necessary for compliance with what is described as the "Easy Path" in the IECS as well as modifying the manner in which points are accumulated. The division recommended that the modified IECS for both the City and Town of Ithaca be found more restrictive than State Energy Code.

#### Town of Ithaca (LL No. 1 of 2023)

Panagiota Hyde read a motion on behalf of Chairperson Tebo, seconded by Joseph DeStefano, finding the Town of Ithaca's local energy conservation construction code to be more restrictive than the State Energy Code provided that the local energy code is interpreted and enforced with conditions pertaining to unreasonable hardship exemptions, the definition of commercial and residential buildings as defined by the State Energy Code and the use of the version of the National Electrical Code (NFPA70) as incorporated by reference in the State Energy Code at the time the permit was issued. The motion was unanimously approved by the Code Council.

#### City of Ithaca (Resolution 6.3A of 2023)

Panagiota Hyde read a motion on behalf of Chairperson Tebo, seconded by Robert Hughes, finding the City of Ithaca's local energy conservation construction code to be more restrictive than the State Energy Code provided that the local energy code is interpreted and enforced with conditions pertaining to unreasonable hardship exemptions, the definition of commercial and residential buildings as defined by the State Energy Code and the use of the version of the National Electrical Code (NFPA70) as incorporated by reference in the State Energy Code at the time the permit was issued. The motion was unanimously approved by the Code Council.

### **Agenda Item 5. More Restrictive Local Standards for Construction (Executive Law §379)**

Jeanne Rice summarized the staff analysis of the more restrictive local standard (MRLS) for the Town of Farmington's LL No. 7 of 2022 petition, stating that the MRLS was found to have mostly less restrictive provisions (with a few provisions which were more restrictive), to not comply with the provisions of Article 18, and to not comply with conventional engineering and fire prevention practices. Staff recommended that the Code Council discuss the special conditions as they apply to the more restrictive provisions.

Chairperson Tebo noted that representatives of the Town of Farmington, Daniel Delpriore (CEO) and August Gordner (Fire Marshal), were present, and provided them with an opportunity to ask questions.

Daniel Delpriore (the representative) agreed with the staff analyses regarding the less restrictive standards, and stated that was not their intent to have less restrictive provisions. Daniel Delpriore stated that the Town will address the portions of the Local Law which are less restrictive, but that they are interested in hearing what the Code Council has to say about their special conditions and noted that the Town of Victor submitted a similar petition in 2011 and that said petition was approved by the Code Council, then added that three of the Town's fire companies have come to the Town looking for help with the rapidly growing commercial businesses. Daniel Delpriore also noted that there have been three major fires in their Town in the last few years and all were total losses due to the lack of volunteers and slow response times.

Chairperson Tebo thanked the representatives for their comments. Chairperson Tebo then addressed the Code Council noting that the Town agrees that the standards are less restrictive and that the motion will reflect that, and went on to say that it may be valuable for the Town to hear comments and discussion on their special conditions, then opened the floor for discussion.

Joe DeStefano noted that the conditions stated in the petition are common and may apply to almost any community, and added that his own jurisdiction suffers from similar issues regarding a lack of volunteer firefighters. Then went on to express concern that if they approved based on the Town's stated conditions it may "open a can of worms."

Claudia Braymer agreed with Joe DeStefano but noted that the Town did identify specific conditions within the jurisdiction. One related to the widened highways (being that they prevent the volunteers from being able to get to the Town in a timely fashion) and the other is that there is an existing MRLS in the adjoining municipality and that it may be beneficial for the Town to have similar laws to that of the adjoining municipality; therefore, there could be a finding of special conditions.

Kevin Duerr-Clark noted that original petition for the Town of Victor was established in 1995, and then resubmitted in 2011. Their special conditions were similar, but different. The Town of Victor cited heavy expansion, lack of municipal water, very far spaces between fire hydrants, limited storage tank height which didn't provide enough flow or pressure, and the significant ease of fighting fires at the newly constructed Eastview Mall, which had sprinklers, and other commercial properties in the municipality without sprinklers.

Robert Hughes asked for a copy of the submission from the neighboring jurisdiction and also asked about the cause of the three fires referenced by the Town. The Town representative noted that one instance is still under investigation, one was arson, and third was a kitchen fire in a restaurant. They also noted that the Town of Victor and Town of Farmington are on the same water source. Robert Hughes asked if the suppression system at the restaurant didn't function correctly. The Town representative said they will look into it and will provide that information in a revised petition.

Chairperson Tebo noted that adding data would be beneficial when revising their petition and special conditions.

Tim DeRuyscher noted that the intent of the Town is clear, to provide sprinklers in buildings that go above and beyond those required in the Uniform Code. With corrections, the Local Law doesn't say the Town does not intend to comply with the Uniform Code. Tim DeRuyscher then stated that, historically, there were many municipalities that had MRLS's, and if the Code Council continues to deny MRLS's based on lack of special conditions, then the result will be a code that prevents building above the code. Tim

DeRuyscher stated that he does not agree with the staff analysis and will be voting no to any denial motion. Tim DeRuyscher then requested that in the future, the Code Council look at special conditions from the eye of the locals and not from someone else.

Bill Tuyn respectfully disagreed and noted that it is important that we have a Uniform Code and that special conditions need to be demonstrated before we depart from the uniformity. NYS joined the International Code Council (ICC) family of model codes, which is intended to have the same code across the country, but includes provisions that accommodate geographic differences. It is the Code Council's job to do the same thing in NYS unless there is some overriding reason to depart. This way when people build, it isn't a separate building code in every community. When we move across municipal lines builders shouldn't have to learn thousands of new pages of code. Bill Tuyn indicated that anecdotal evidence saying a Town is unique because they're growing, without providing statistical evidence, is not enough to support the Town's claim of special conditions.

Shawn Hamlin agreed with Bill Tuyn's statement, further noting that when NYS adopted the ICC codes, the intent was uniformity to protect all of NY and that there needs to be a well-defined argument for why a municipality needs to be more restrictive.

Robert Hughes agreed with Bill Tuyn and Shawn Hamlin, and added that details and facts matter and need to be provided when a municipality is requesting to be more restrictive.

Tim DeRuyscher asked if the reason we go through this process of analyzing special conditions for the Uniform Code but not the Energy Code is because the Executive Law requires it, but the Energy Law does not? Panagiota Hyde responded that is correct.

Claudia Braymer noted that she is relying on the staff's analysis about the pieces of the Town's Local Law that are not more restrictive, but noted that it is clear that the Town's intent is to be more restrictive. Then went on to say that if the Town decides to resubmit, they should bolster their petition based on what they heard today.

Kevin Duerr-Clark noted that the staff analysis is similar to the one created for the Town of Elmsford last year, which had similar less restrictive language. The Town did not intend to be less restrictive, and staff is willing to assist the Town of Farmington to address those concerns.

Tim DeRuyscher added that the intent was to be more restrictive and wouldn't hold the less restrictive language against them. The expertise of the staff can help with the language but here the Town needs to focus on the details and supporting documentation for the special conditions.

Chairperson Tebo asked if there was any additional discussion. Hearing none, a motion that the Code Council find that the local law contains provisions that are LESS stringent and LESS restrictive than the standards imposed by the Uniform Code, find that the local law contains provisions that do not conform with accepted engineering and fire prevention practices and the purposes of Article 18 of the Executive Law, and deny the Town's request that the Code Council adopt or approve the standards imposed by the local law was read by Panagiota Hyde and made by Chairperson Tebo, and 2nd by Joseph Toomey.

Chairperson Tebo asked if there was any discussion on the motion.

Claudia Braymer asked if the motion needs to include language saying the Town can resubmit without prejudice if they file a revised Local Law. Chairperson Tebo stated that they can make changes and resubmit without prejudice, and requested that staff work with the Town to provide technical

assistance to the Town should the Town choose to amend the Local Law and submit a new Notice and Petition.

James Cable wanted to clarify that we are voting no because of technical issues but then would encourage the Town to resubmit.

Chairperson Tebo asked if there was any additional discussion. Hearing none, 12 members voted yes, Tim DeRuyscher voted no.

#### **Agenda Item 6. Division Update.**

Chairperson Tebo invited John Addario to present the division update.

John Addario presented two regulations under the authority of the secretary of state:

- The first was Part 1208 the Minimum Standards for Code Enforcement Training in the State of New York. The notice of proposed rule-making was published in the February 1<sup>st</sup> edition of the State Register, the rule making documents and dates are posted on the Division's website, the public hearing will be on April 5<sup>th</sup>, and the public comment period closes on April 10<sup>th</sup>. The rule aligns Part 1208 with the Executive Law. It modifies the training times for certification of BSIs and CEOs, and the percentage of certification training complete before allowing BSIs and CEOs to commence enforcement activities. An additional change was to allow DOS to accept nationally recognized certification in lieu of basic training (while maintaining the 24 hours of annual training).
- The second was Part 1205 the Variance and Appeals Procedures – The notice of proposed rule-making was published in the March 29<sup>th</sup> edition of the State register, the rule making documents and dates are posted on the Division's website, the public hearing will be on May 31<sup>th</sup>, and the public comment period closes on June 5<sup>th</sup>. The proposed rule adds a process for alternative compliances cases to allow the use of design and construction provisions from nationally recognized standards. These changes were the result of the recommendation of the Code Council workgroup.

Tim DeRuyscher noted that the alternative provision in Part 1205 was part of the Code Council workgroup to possibly incorporate by reference the ICC performance code (ICCPC) but asked whether we would also update the code to incorporate by reference such standard or would it be limited to Part 1205. John Addario noted that at this time it would be only included within Part 1205.

Claudia Braymer asked if there are any updates to the basic training program schedule. John Addario replied that the Division is now doing the training via webinar which allows the classes to be more often and as a result code officials are achieving certification faster.

Chairperson Tebo then invited Panagiota Hyde to present the legislative update.

Panagiota Hyde presented the following:

- On December 30, 2022, Bill S7582-B/A9216B was signed by the Governor as Chapter 831 of the Laws of 2022 along with Approval Memo No. 108. Approval Memo No. 108 noted that the bill would authorize the Code Council to evaluate and make recommendations concerning whether the Uniform Code should be modified to include standards for the protection of buildings and structures located within coastal areas that may be susceptible to water-related damage, including climate risk, but noted that an agreement

was secured with the Legislature to make technical changes to the bill, including clarification as to the applicability of the standards, the geographic areas to be studied, and the data to be relied upon.

- On March 3, 2023, Bill S828-A/A626-A was signed by the Governor as Chapter 19 of the Laws of 2023. The law amends new subdivision 2-a of Section 378 of the Executive Law by renumbering subdivision 2-a to 1-a and to provide that the Uniform Code shall address standards for the construction of all new buildings and for the construction or renovation of existing buildings that undergo a substantial improvement, as defined by the Code Council, located wholly or partially in an area designated on the applicable FEMA flood insurance rate as a special flood hazard area or moderate risk flood hazard area. The law also clarified that the standards shall be based on available data from nationally recognized sources or data produced by state agencies based on nationally recognized procedures, analysis, and studies predicting the likelihood of extreme weather events.

Chairperson Tebo noted that he will get the Chapter Law language to the Code Council members following the meeting.

### **Agenda Item 7. Uniform Code and Energy Code**

Kevin Duerr-Clark provided an update on the timeline for the Codes update process, stating that the update will be based on the 2024 ICC code books, incorporating both 2021 and 2024 ICC changes, statutory changes, and New York-specific changes. Kevin Duerr-Clark stated that the first Notice of Rule in Development (NRD) document is expected to be ready in fall 2023, providing time to review and address any public comments, and allowing the rule-making process to begin once the ICC 2024 code books are available. Kevin Duerr-Clark stated that, prior to this meeting, the Code Council was provided with a draft of the 2024 ICC proposed changes documents, and anticipated that the 2021 changes, the NYS-specific changes for Chapter 1 of the books, and any new or existing statutes will be combined with the 2024 changes for the June 2023 meeting. Kevin Duerr-Clark stated that the final draft NRD document should be available for the September 2023 meeting, and any comments received could be presented at the December meeting. The typical March 2024 meeting, if moved to January or February, would allow for draft Notice of Proposed Rule Making (NPRM) documents to be prepared and presented at this meeting, to allow a vote for conceptual approval. The NPRM public comment period would be held prior to the June meeting, and said comments would be compiled and presented at the June 2024 meeting, and a final Notice of Adoption package would be ready for vote at the September 2024 meeting, leading to an early-to-mid-2025 effective date for the updated Codes.

Chairperson Tebo noted that the 2024 changes were only sent to Code Council members the week prior to the meeting, and that the members probably have not had a chance to review these changes fully. Chairperson Tebo asked all Code Council members to review these changes and provide questions and comments to the Department prior to the June 2023 meeting, to allow for questions to be answered, and comments compiled and discussed at the June meeting. Chairperson Tebo also noted that there are outside factors which affect the proposed schedule upon which the Department has no control, and that meeting this schedule is dependent on more than just Department staff. Chairperson Tebo then asked Emma Gonzalez-Laders to speak on Energy Code updates.

Emma Gonzalez-Laders stated that, while the current energy code changes document given to the Code Council is fairly short, it will grow by a factor of ten in the upcoming iterations. Emma Gonzalez-Laders stated that, at the upcoming meetings, energy code changes presented to the Code Council will include 2021 and 2024 ICC code changes, NY-specific provisions, statutory provisions, and proposed changes based on public comments. Emma Gonzalez-Laders stated that the current document provided to the Code Council is a compilation of changes based on the revisions made to Article 11 of the Energy

Law on July 5<sup>th</sup>, 2022, made by “The Advanced Building Codes Act.” Emma Gonzalez-Laders described the format of the change document and noted that text marked as “deleted” may actually just be moved to a different section of the code, rather than removed entirely, and similarly, text marked as “new” may actually just have been moved from a different section. Emma Gonzalez-Laders stated that such moved text constitutes the majority of the currently shown changes, and that most of the new language relates to historic buildings, as this was the subject of the changes made by the 2022 law.

Kevin Duerr-Clark spoke next, stating that the ICC 2024 code change proposals have been consolidated into the documents given to the Code Council, and noting that the document contains only the changes, not the entire code books. The documents are a compilation of the ICC monographs and videos from the hearings. Kevin Duerr-Clark noted that the draft documents were not completed until last week; therefore, staff have not had a chance to digest the actual content of the documents. Kevin Duerr-Clark explained the format of the code changes documents, including the cover page and proposal numbers, then reviewed the Property Maintenance Code changes document as an example. Kevin Duerr-Clark noted that one of the changes was an example of how the document provided to the Code Council contains only the ICC 2024 changes, as the example change contradicts the legislation discussed in agenda item 3 regarding hot tub and spa cover legislation. Kevin Duerr-Clark also noted that some of the ICC code changes were proposed by Department staff during the ICC development process. Kevin Duerr-Clark stated that code changes were grouped by code section, and that sections affected by multiple changes were blended together.

Chairperson Tebo noted that the public will be able to see the code change materials at the same time that the Code Council is presented with them, to allow for the maximum amount of time for public comments to be developed. Tim DeRuyscher asked if said documents were on the Code Development website, Panagiota Hyde explained where to find the documents on this site. Chairperson Tebo asked if there were any other questions. Keith Wen asked for the documents to include notes stating whether the information was totally deleted, or just moved. Kevin Duerr-Clark explained that in the table on the cover sheet, a column could be added as requested. Emma Gonzalez-Laders noted that, in the existing cover table, there is a description column, which notes what changes were made to the code sections in question, and includes notes stating if the information was moved or deleted. Keith Wen stated that any additional information that can be included will help the Code Council members in understanding the code changes.

Chairperson Tebo noted that Michael Sabatino was present in NYC, representing Mayor Spano of Yonkers, and welcomed him to the meeting.

### **Agenda Item 8. Public Comment Period**

The following individuals spoke in-person at the following locations: Michael Hernandez, Luke Michaels, Peter Belmonte, and Lindsay Belmonte spoke in Albany; and Mike Fazio and Mike Hunter spoke in NYC.

Michael Hernandez began by stating that he is the New York State policy director for Rewiring America. Michael Hernandez spoke about the high carbon footprint of building construction, and requested that the Code Council consider carbon reduction goals and the CLCPA during the Uniform Code update process. Michael Hernandez also noted that the Code Council members have taken an oath to uphold the law and that the members had a legal obligation under the Advanced Energy Code Law of 2022 to take up the energy changes proposed in the Climate Action Council’s Final Scoping Plan “to the maximum extent feasible.”

Chairperson Tebo asked Code Council members to hold any comments until the “other business” agenda item (agenda item 10). Chairperson Tebo stated that he had forgotten to note that there is a 3-5



minute time limit for comments, then stated that a letter was received from Matt Hunter of the American Wood Council to the Code Council, which was included with the meeting documents given to the Code Council members. Kevin Duerr-Clark then called Luke Michaels to comment.

Luke Michaels stated that he is a homebuilder from Michaels Group Homes in the Capital Region. Luke Michaels commented on the goal of electrification and banning the use of natural gas-fired appliances. Luke Michaels stated that the top concerns were affordability and reliability and questioned the electric grid's capability to support all-electric appliances. Luke Michaels also stated that all-electric options are more expensive than natural gas, and opined that removing the natural gas option will cause increased construction costs for new homes.

Kevin Duerr-Clark then called upon Peter Belmonte. Peter Belmonte stated that he is from Belmonte Builders, and represents the Capital Region Builders and Remodeling Association. Peter Belmonte spoke about the increased cost of construction caused by heat pumps, and possible alternatives to full electrification, such as using natural gas backups while still using heat pumps as primary heating source.

Kevin Duerr-Clark then called upon Lindsay Belmonte. Lindsay Belmonte stated that she is from Belmonte Builders, and represents the Capital Region Builders and Remodeling Association as well as the New York State Builders Association. Lindsay Belmonte spoke about the costs of purchasing existing homes being lower than that of new homes, and of how proposed requirements to modify existing homes could increase purchase costs for existing homes, noting the adverse impact that could have on young first-time homebuyers.

Mike Fazio stated that he is the executive director of the New York State Builders Association. Mike Fazio commented on concerns relating to the reliability of the power grid to support electrification, increased costs of new home construction, and the possibility that residents of New York State might move to neighboring states which do not have electrification mandates.

Chairperson Tebo asked if there was anyone else in NYC who wished to comment, and recognized a second commentor. Mike Hunter from the American Wood Council (AWC) commented on the low carbon cost and embodied carbon inherent in wood construction, and stated that the AWC was willing to provide technical assistance with new mass timber structure provisions.

Chairperson Tebo asked Kevin Duerr-Clark if there were any remote attendees wishing to comment. Kevin Duerr-Clark stated that Mary Thompson, Jeffery Shapiro, and Elizabeth Moran would like to comment, and asked that any other remote attendees wishing to comment should indicate so in the WebEx chat function.

Kevin Duerr-Clark then called upon Mary Thompson to comment. Mary Thompson stated she represents the Homebuilders and Remodelers of Central New York, and commented on possible negative consequences of electrification, such as possible increases of energy purchasing from carbon-intensive production methods, as well as increased costs of home construction.

Kevin Duerr-Clark then called upon Jeffery Shapiro to comment. Jeffery Shapiro stated he is the executive director of the IRC Fire Sprinkler Coalition, and commented on adopting IRC sprinkler requirements for townhouses, expressed a desire for better notification of receipt of comment proposals and upcoming Code Council meetings, and expressed a desire for a link to events to be added to the Code Development department website.

Kevin Duerr-Clark then called upon Elizabeth Moran to comment. Elizabeth Moran stated that she is the New York policy advocate with Earth Justice, and commented to express support of an

electrification mandate for New York State starting in 2025, noting that current all-electric new construction costs are found to be lower than other new house costs.

Chairperson Tebo asked if any others wished to comment. Kevin Duerr-Clark stated that there were no further remote attendees indicating they wished to comment. Chairperson Tebo closed the public comment period and moved to agenda item 9.

#### **Agenda Item 9. Future Meetings**

Chairperson Tebo stated that the current 2023 meetings are scheduled for June 23<sup>rd</sup>, September 22<sup>nd</sup>, and December 1<sup>st</sup>, and noted that it would be beneficial to have as many members present at each meeting as possible during the Uniform Code update process. Chairperson Tebo noted that this meeting took about 2 hours, and stated an opinion that the June and September meetings may run longer than 2 hours, then moved to agenda item 10.

#### **Agenda Item 10. Other Business.**

Chairperson Tebo asked if there was any other business, or Code Council members wishing to speak.

Tim DeRuyscher stated that he has not had the opportunity to review all notice of rule in development documents but wants to make sure the Code Council addresses the November 2021 work group meeting topics, namely, emergency responder radio coverage in existing buildings, mobile fueling, 30-40 foot sprinkler height requirements, and townhouse sprinklers, also to make sure that public has access to commentary about why specific changes have occurred in NY.

Claudia Braymer noted that the banning of natural gas has not passed but is part of the budget bill which is still in negotiations. She also noted that, although the townhouse sprinkler provisions are in the ICC Code Books, they are not in the code change documents distributed today.

Robert Hughes noted that if there is a provision in the code that has not been identified as a change from 2021 or 2024 then it can still be changed.

Chairperson Tebo noted that there were several members of the public that noted through the Webex that they wished to address the Council as the meeting concluded.

**The meeting adjourned at approximately 12:19 p.m.**