STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the State Fire Prevention and Building Code Council (Code Council) as the Lead Agency makes the following findings.

Name of Action:
Proposed Amendment of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code

Description of Action:
The action involves a proposal by the New York State Department of State (NYS DOS) to repeal and replace the regulations that implement the New York State Uniform Fire Prevention and Building Code (Uniform Code) set forth in 19 NYCRR Parts 1219, 1220, 1221,1222, 1223, 1224, 1225, 1226, 1227,1228 and 1229 and the New York State Energy Conservation Construction Code (Energy Code) set forth in 19 NYCRR Part 1240, and to amend the regulations set forth in Sections 1264.4 and 1265.3. The Uniform Code applies to all buildings and structures in New York State except for those located within the City of New York. The Energy Code applies to all buildings and structures in New York State, including the City of New York. The principal purpose of the amendments is to update the Uniform Code and the Energy Code to incorporate revisions to New York State laws and the International Code Council's (ICC) Model Codes since the 2020 rulemakings, and to implement statutory mandates within the prescribed timeframe. The changes being proposed are significant in nature, in that both the code changes from ICC's 2021 and 2024 Model Codes are being incorporated. Additionally, several significant New York legislative bills impacting the Uniform Code and Energy Code were passed and signed by the Governor in 2020 through 2025. NYS DOS has not identified any significant adverse environmental impacts from the proposed amendments. However, NYS DOS prepared a generic environmental impact statement (GEIS) as the means to discuss the objectives and the rationale for the proposed regulations, present alternative measures which are under consideration, and provide the maximum opportunity for public participation.

Location: Statewide

Agency Jurisdiction:

The Code Council is empowered to maintain and periodically update the Uniform Code and Energy Code in accordance with Article 18 of the Executive Law and Article 11 of the Energy Law.

Date Final Environmental Impact Statement Filed: June 27, 2025

Facts and Conclusions Relied on to Support the Decision:

At the July 26, 2024, Code Council meeting, the Code Council voted to:

1. Designate the Code Council as the Lead Agency for the purpose of environmental review under SEQR and for the Department of State to act administratively on behalf of the Code Council to file, post, and publish any supporting documents.
2. Request the Department file positive declarations for the Short Environmental Assessment Forms for both the Uniform Code and Energy Code update rule makings.
3. Request the Department to publish on the Department's website as well as in the Environmental Notice Bulletin the Draft Scope and Draft Notice of Intent to Prepare Draft Generic Environmental Impact (GEIS) for Proposed Amendment of the Uniform Code and Energy Code and to receive public comments to the Draft Scope through September 6, 2024.

The Notice of Draft Scope was published in the Environmental Notice Bulletin on August 7, 2024, and comments were received through September 6, 2024.

At the September 27, 2024, Code Council meeting, the Code Council voted to:

1. Request that the Department publish on the Department's website as well as in the Environmental Notice Bulletin the Final Scope.
2. Request that the Department prepare the Draft Generic Environmental Impact Statement for Proposed Amendment of the Uniform Code and Energy Code in accordance with the Final Scope.

The Notice of Final Scope was published in the Environmental Notice Bulletin on October 9, 2024.

At the February 28, 2025, Code Council meeting, the Code Council voted to:

1. Accept the Draft Generic Impact Statement (Draft GEIS).
2. Request that the Department publish on the Department's website as well as in the Environmental Notice Bulletin the Draft GEIS.
3. Request that the Department conduct an in-person and virtual hearing on May 16, 2025, on the Draft GEIS.
4. Request that the Department publish notice of the public hearing on the Department's website and in the Environmental Notice Bulletin and State Register.

The Notice of Acceptance of Draft GEIS and Public Hearing was published in the Environmental Notice Bulletin and State Register on March 19, 2025.

An in-person and virtual hearing was held on May 16, 2025. The Department did not receive any oral comments. Public comments on the Draft GEIS were accepted through May 27, 2025. The Department received two written comments. Public comments were received providing that the proposed definition of "fuel cell system" is not consistent with State and Federal Law and needed to be rewritten to remove the phrase "with no carbon byproducts" because it excludes certain fuel cell systems. The Department of State has determined that the definition should be clarified to as not to inadvertently exclude certain fuel cell systems.

The Department drafted the Final Generic Environmental Impact Statement (Final GEIS) which included:

- Changes made to the Draft GEIS;
- An executive summary;
- A summary of significant changes from the Uniform Code and Energy Code that coincides with the list in the Final Scope and the Regulatory Impact Statements (RIS) for the Uniform Code and Energy Code;
    - Uniform Code significant changes:
        - Residential sprinklers
        - Temporary use of buildings in emergencies
        - Powered micromobility devices
        - Inflatable amusement devices
        - Coordinating pool and hot tub provisions with industry standards and specific provisions from the ICC's International Swimming Pool and Spa Code
        - NYS Department of Environmental Conservation flood provisions
        - A2L refrigerant safety standards
        - Mass timber
        - Accessible building feature language updates, including updated reference and coordination with ICC A117.1 to the 2017 version
        - Lithium batteries
        - Energy storage systems
        - Occupiable roofs
        - Adult changing stations
        - Shipping container construction
    - Energy Code significant changes:
        - Fossil-fuel equipment and building systems prohibition in new buildings (with corresponding provisions set forth in the Uniform Code)
        - More restrictive building thermal envelope requirements
        - Eight counties that were previously in Climate Zone 6 are now in Climate Zone 5
        - Additional efficiency credits for new buildings and existing buildings following the prescriptive compliance path
        - Limits on the use of electric resistance space heating
        - Renewable energy for commercial buildings
        - Thermal bridge mitigation and documentation of energy loss associated with thermal bridges in commercial buildings
        - Increased minimum efficiency requirements for gas-fired water heaters, hot-water boilers, air conditioning, and refrigeration equipment as mandated by federal standards
        - Increased equipment efficiency for elevators

        - Energy recovery ventilation required for residential buildings in Climate Zone 6
        - Separate electric metering for low-rise multi-family dwellings
- An introduction to the proposed actions in Section 1;
- The environmental setting in section 2;
- The history of the SEQR process for the rulemakings in Section 3;
- The general impacts of the significant changes to the Uniform Code and Energy Code in Section 4;
- The environmental impacts of specific changes made to the Uniform Code in Section 5; and
- The environmental impacts of the significant changes to the Energy Code in Section 6.
- The following Appendices:
    - Final Scope
    - Regulatory Impact Statement for the Uniform Code
    - Regulatory Impact Statement for the Energy Code
    - Response to Public Comments

At the June 27, 2025, Code Council meeting, the Code Council voted to:

1. Accept the Final GEIS, and
2. Request that the Department publish on the Department's website as well as in the Environmental Notice Bulletin the Final GEIS.

The Notice of Completion of Final GEIS was published in the Environmental Notice Bulletin on July 9, 2025.

Based on the foregoing, the Code Council determined the proposed amendment of the Uniform Code and Energy Code would not have a significant adverse environmental impact. This determination is supported by the facts contained in the Final GEIS. Notably, the Code Council received only two written comments on the proposed rule, which as stated above are more technical in nature. The Code Council expects that the changes will collectively have a positive impact on the environment including the following potentially beneficial cumulative impacts: increased public health and safety through improved building design and better fire protective systems; building design alternatives which afford opportunities for increasing operational efficiency; and reduction in greenhouse gas emissions throughout the State.

Certification of Findings to Undertake an Action

The amendments to the State Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code) will not result in any significant adverse effects on the environment. Having considered the draft and final Generic Environmental Impact Statement on the proposed amendments to the Uniform Code and Energy Code, and having considered the relevant environmental impacts, facts, and conclusions disclosed in the Final GEIS and the findings above, the State Fire Prevention and Building Code Council certifies the following:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

State Fire Prevention and Building Code Council

Matthew Tebo
Chairperson and Designee for the Secretary of State

Dated: July 25, 2025
Albany, New York