

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

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SECRETARY OF STATE

March 7, 2022

The Honorable Warren J. Lucas, Supervisor  
Town of North Salem  
266 Titicus Rd.  
North Salem, NY 10560

[wlucas@northsalemny.org](mailto:wlucas@northsalemny.org)

Re: Filing of a Local Energy Conservation Construction Code  
(Local Law No. 1 of 2022)

Dear Supervisor Lucas,

This letter is to inform you that the State Fire Prevention and Building Code Council (the "Code Council"), at their March 4, 2022 meeting, acted on your Filing of a Local Energy Conservation Construction Code regarding Local Law No. 1 of 2022. The Code Council voted unanimously to *"determine, pursuant to subdivision (2) of section 11-109 of the Energy Law, that the Town of North Salem's local energy conservation construction code, as amended by Local Law No. 1 of 2022, is MORE RESTRICTIVE than the currently effective version of the State Energy Code."* I have also attached a copy of the motion passed by the Code Council. Please note the below excerpt from Energy Law §11-109(2):

*"Any municipality which adopts a local energy conservation construction code in accordance with this section shall file a copy of such code and any amendments or revisions thereof with the state fire prevention and building code council within thirty days after promulgation or adoption of such local code or any amendments or revisions thereof. If the municipality files such copy within such thirty day time period, the municipality may enforce such local code, amendment or revision until and unless the state fire prevention and building code council shall determine that such local code, amendment or revision is not more restrictive than the code. If the municipality fails to file such copy within such thirty day time period, the municipality may not enforce such local code, amendment or revision until and unless the state fire prevention and building code council shall determine that such local code, amendment or revision is more restrictive than the code."*

Accordingly, as of the Code Council's determination on March 4, 2022, the Town is authorized to enforce the local energy code adopted by the Town's Local Law No. 1 of 2022, within the parameters set forth in the motion. Please review this determination and the Energy Law with your municipal attorney and code enforcement officer to



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determine the impact to your local law, and feel free to contact me if you have any questions or concerns regarding the Code Council's determination.

Sincerely,

Emma Gonzalez-Laders, RA, LEED AP  
Assistant Director for Energy Code Services  
NYS DOS, Division of Building Standards and Codes

CC:  
Janine Kourakos, with attachments