

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2010**

No. 48

Introduced by Council Members Garodnick, Barron, Brewer, Gonzalez, James, Lander, Palma, Vann, Williams, Mark-Viverito, Lappin, Van Bramer, Recchia, Chin, Weprin, Gennaro, Jackson, Fidler, Crowley, Koppell, Levin, Reyna, Rodriguez and Rose

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to energy efficiency in commercial buildings.

Be it enacted by the Council as follows:

Section 1. Section 28-1001.2 of the administrative code of the city of New York is amended to read as follows:

Chapter 2 - Definitions

202 *Add a new definition of “Occupant sensor” after the definition of “Nameplate horsepower,” to read as follows:*

OCCUPANT SENSOR. *A device that detects the presence or absence of people within an area and causes lighting, equipment, or appliances to be regulated accordingly.*

Add a new definition of “Photosensor” after the definition of “Occupant sensor,” to read as follows:

PHOTOSENSOR. *A device that detects the presence of visible light.*

Chapter 5 - Commercial Energy Efficiency

501.1 *Delete the last sentence and replace with the following: These commercial buildings shall meet either the requirements of ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings*

Except for Low-Rise Residential Buildings, as modified for New York City by Appendix A of this code, or the requirements contained in this chapter.

505.2.2.2 *After the Exception, add a new paragraph to read as follows:*

In addition to the above requirements, for the following spaces, sensors and controls, including an occupant sensor, shall be installed that only enable lighting to be turned on by manual control, that automatically turn lighting off within a maximum of 30 minutes of all occupants leaving a space, and that enable lighting to be turned off by manual control. Such sensors and controls shall not have an override switch that converts from manual-on to automatic-on functionality. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected:

- 1. classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms),*
- 2. conference/meeting rooms,*
- 3. employee lunch and break rooms, and*
- 4. offices smaller than 200 square feet (18.5 m²) in area.*

Exception: offices smaller than 200 square feet (18.5 m²) in area equipped with lighting controls activated by photosensor.

Chapter 6 - Referenced Standards

Add at end of the first paragraph the following:

Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to the referenced standards set forth herein in accordance with Section 28-

103.19 of the Administrative Code.

Add to section titled, “ASHRAE,” after the row heading “90.1-2007” the following symbol: ‡

Add at end of section titled “ASHRAE” a footnote to read as follows: ‡ As modified in Appendix

A

Appendix A - Modified Energy Standard

Add a new Appendix A after chapter 6 and before the Index to read as follows:

APPENDIX A

MODIFIED ENERGY STANDARD FOR BUILDINGS, EXCEPT FOR LOW-RISE RESIDENTIAL BUILDINGS

SECTION ECC A101

SCOPE

A101.1 Scope. *This appendix provides the modifications to the nationally recognized standard ASHRAE/IESNA Standard 90.1 Energy Standard for Buildings Except for Low-Rise Residential Buildings, governing commercial energy efficiency. Where a referenced publication has been modified for the City of New York as by the New York City Construction Codes and the New York City Energy Conservation Code, every reference to such publication shall be deemed to include all such modifications.*

SECTION ECC A102

ENERGY STANDARD FOR COMMERCIAL BUILDINGS

A102.1 General. *The standards for energy efficiency in commercial buildings, as defined in Section 202 of this code, shall be in accordance with Chapter 5 of this code or in accordance with ASHRAE/IESNA Standard 90.1 Energy Standard for Buildings Except for Low-Rise Residential Buildings, modified for New York City as follows. Refer to the rules of the*

department for any subsequent additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the Administrative Code.

Chapter 9 - Lighting

9.4.1.2 *Delete paragraph (a) of Section 9.4.1.2 and replace with the following:*

a. For the following spaces, sensors and controls, including an occupant sensor, shall be installed that only enable lighting to be turned on by manual control, that automatically turn lighting off within a maximum of 30 minutes of all occupants leaving a space, and that enable lighting to be turned off by manual control:

- 1. classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms),*
- 2. conference/meeting rooms,*
- 3. employee lunch and break rooms, and*
- 4. offices smaller than 200 square feet (18.5 m²) in area.*

Such occupant sensor shall not have an override switch that converts from manual-on to automatic-on functionality. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

Exception: offices smaller than 200 square feet (18.5 m²) in area equipped with lighting controls activated by photosensor.

§2. This local law shall take effect on December 28, 2010, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,
passed by the Council onSeptember 29, 2010..... and approved by the Mayor
onOctober 6, 2010.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 48 of 2010, Council Int. No. 266-A) contains the correct text and was passed by the New York City Council on September 29, 2010, approved by the Mayor on October 6, 2010 and returned to the City Clerk on October 6, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel