

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Thursday, February 27, 2020, 2:29 p.m.

*The Majority Leader (Council Member Cumbo)*

*presiding as the Acting President Pro Tempore*

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Carlina Rivera
Alicia Ampry-Samuel	Barry S. Grodenchik	Ydanis A. Rodriguez
Diana Ayala	Robert F. Holden	Helen K. Rosenthal
Inez D. Barron	Ben Kallos	Rafael Salamanca, Jr
Joseph C. Borelli	Peter A. Koo	Ritchie J. Torres
Justin L. Brannan	Karen Koslowitz	Mark Treyger
Fernando Cabrera	Rory I. Lancman	Eric A. Ulrich
Margaret S. Chin	Bradford S. Lander	Paul A. Vallone
Andrew Cohen	Stephen T. Levin	James G. Van Bramer
Costa G. Constantinides	Mark D. Levine	Kalman Yeger
Robert E. Cornegy, Jr	Farah N. Louis	
Laurie A. Cumbo	Alan N. Maisel	
Chaim M. Deutsch	Steven Matteo	
Ruben Diaz, Sr.	I. Daneek Miller	
Daniel Dromm	Francisco P. Moya	
Mathieu Eugene	Keith Powers	
Vanessa L. Gibson	Donovan J. Richards	

Absent: Council Members King, Menchaca, Perkins, and Reynoso.

Medical Leave: Council Member Rose.

At the time of this Stated Meeting, there was one vacant seat on the Council in the 37<sup>th</sup> District (Brooklyn).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and Acting President Pro Tempore (Council Member Cumbo).

*There were 45 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### **INVOCATION**

The Invocation was delivered in the Spanish language by Pastor Joseph Diesel Sano who serves as the spiritual leader of Iglesia de Dios de la Profecia Williamsburg located at 333 Union Avenue, Brooklyn, NY 11211.

Council Member Reynoso moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

The Speaker (Council Member Johnson) sadly acknowledged that two more members of the NYPD had died by suicide. NYPD Detective Paul Federico, 53, took his life on February 17, 2020. Detective Federico served the Police Department for more than twenty-five years and was a 9/11 first responder. Former NYPD Officer Daniel Shirreffs, 46, took his life on February 21, 2020. He served in the Police Department for over twenty years. On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to the families of Detective Federico and Officer Shirreffs. He encouraged all members of the Police Department to seek help for any struggle that they may be facing and to avoid suffering in silence.

Construction worker David Johnson, 50, lost his life during the course of his employment in Queens on February 20, 2020. The Speaker (Council Member Johnson) noted that too many construction workers have died on the job and urged the Council to continue to work toward making this industry safer.

FDNY Firefighter Daniel R. Foley, 46, died of a 9/11-related cancer on February 21, 2020. Firefighter Foley was a twenty-one year veteran of the Fire Department. In the aftermath of 9/11, he had searched for his deceased brother at Ground Zero following the World Trade Center attacks. On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to his family and to the Fire Department.

At this point, a Moment of Silence was observed in the Chambers.

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### **ADOPTION OF MINUTES**

Council Member Louis moved that the Minutes of the Stated Meeting of January 23, 2020 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-224

**Communication from the Mayor – Submitting the name of Niisha K. Butler to the City Council for advice and consent concerning her appointment to the New York City Tax Commission, pursuant to Sections 31 and 153 of the New York City Charter.**

February 24, 2020

The Honorable Corey Johnson  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 153 of the New York City Charter, I am pleased to present the name of Niisha Butler to the City Council for advice and consent concerning her appointment to the New York City Tax Commission. When appointed to the Commission, Ms. Butler will serve for the remainder of a six-year term expiring on January 6, 2026.

I send my thanks to you and all Council members for reviewing this Tax Commission appointment.

Sincerely,

Bill de Blasio  
Mayor

BDB:ml

cc: Niisha K. Butler  
Laura Anglin, Deputy Mayor for Operations  
Frances Henn, President, New York City Tax Commission  
Yume Kitasei, Director, Mayor's Office of Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

Preconsidered M-225

**The Operating Budget of the Council of the City of New York.**

February 27, 2020

TO: Honorable Corey Johnson  
Speaker

Honorable Daniel Dromm  
Chairperson, Finance Committee

FROM: Marcello Testa  
Fiscal Officer

**SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

**Preconsidered (M-225) The Operating Budget of the Council of The City of New York**  
**Preconsidered (M-226) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York**

**INITIATION:** Pursuant to section 243 of the New York City Charter, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included is a resolution for the approval of a lump-sum OTPS unit of appropriation.

**(For text of the entire Operating Budget and Schedule Detailing the Lump-Sum OTPS Unit of Appropriation, please refer to the City Council website at <http://council.nyc.gov> for the Operating Budget attachment to the [M-225 of 2020 file](#)).**

Referred to the Committee on Finance.

## Preconsidered M-226

**Schedule detailing the lump sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

**(For text of the entire Operating Budget and Schedule Detailing the Lump-Sum OTPS Unit of Appropriation, please refer to the City Council website at <http://council.nyc.gov> for the Operating Budget attachment to the [M-226 of 2020 file](#))**

Referred to the Committee on Finance.

## Preconsidered M-227

**Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2020 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-3).**

**(For text, please see the Report of the Committee on Finance for M-227 & Res. No. 1263 printed in the Report of the Standing Committees section of these Minutes)**

Referred to the Committee on Finance.

## Preconsidered M-228

**Communication from the Office of Management & Budget – Appropriation of new City revenues in Fiscal Year 2020, pursuant to Section 107(e) of the New York City Charter (MN-4).**

**(For text, please see the Report of the Committee on Finance for M-228 & Res. No. 1264 printed in the Report of the Standing Committees section of these Minutes)**

Referred to the Committee on Finance.

**LAND USE CALL-UPS**

M-229

By Council Member Van Bramer:

**Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 6002 Woodside Avenue, Borough of Queens, Council District 26, Community District 2. Application No. 20205193 TCQ (Sean OG's), shall be subject to review by the Council.**

Coupled on Call-up vote.

The Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

At this point, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

## REPORT OF THE STANDING COMMITTEES

### Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations

Report for Int. No. 1451-A

#### Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving and adopting, as amended, a Local Law in relation to the creation of a task force regarding a museum about New York city's African-American civil rights history

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed proposed amended local law was referred on February 28, 2019 (Minutes, page 655), respectfully

#### REPORTS:

##### I. Introduction

On Monday, February 24, 2020, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Jimmy Van Bramer, will hold a hearing to consider Proposed Introduction No. 1451-A, sponsored by Council Member Fernando Cabrera, a local law in relation to the creation of a task force regarding a museum about New York city's African-American civil rights history. The first hearing on this legislation was held on Thursday, October 31, 2019, as part of an oversight hearing on *Upcoming Capital Projects in New York City Libraries*. At the hearing, representatives from the Department of Design and Construction, the City's three public library systems and other interested stakeholders testified.

##### II. Background

NYC has a rich history as one of the most diverse and dynamic cities in the world, where approximately 200 languages are spoken and 40 percent of the population was born outside of the United States (U.S.).<sup>1</sup> As part of this history, the city's civil rights history and trajectory is nationally significant, as it "foreshadows what would happen nationally in the 1960s and 1970s." This is especially the case with the city's African American civil rights history.<sup>2</sup> While "New York has much to teach us about activism and resistance in the urban North,"<sup>3</sup> experts argue that we have yet to take the opportunity to fully tell this story.<sup>4</sup> New York City is "the story of Jackie Robinson to Paul Robeson to Malcolm X[;] a trajectory from integrationist optimism to Black Nationalist critique, with a flourishing African American left at its center."<sup>5</sup>

##### III. Proposed Int. No. 1451-A

Proposed Int. No. 1451-A would require the establishment a task force to consider a museum about New York city's African-American civil rights history. Pursuant to the legislation, the task force would consist of 11 members, including the Commissioners of the Mayor's Office of Immigrant Affairs, the Department of Cultural Affairs, the Department of Records, the Department of Parks and Recreation and the Chairperson of the City Commission on Human Rights. The legislation would also require that the remaining five members of the task

<sup>1</sup> Paul McGinniss, *Cultural Diversity in New York City*, GREAT AMERICAN COUNTRY (last visited Feb. 20, 2019), available at <https://www.greatamericancountry.com/places/local-life/cultural-diversity-in-new-york-city>.

<sup>2</sup> Martha Biondi, *How New York Changes the Story of the Civil Rights Movement* (2007), available at [http://www.nyc.gov/html/cchr/justice/downloads/pdf/how\\_new\\_york\\_changes\\_the\\_civil\\_rights\\_movement.pdf](http://www.nyc.gov/html/cchr/justice/downloads/pdf/how_new_york_changes_the_civil_rights_movement.pdf).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

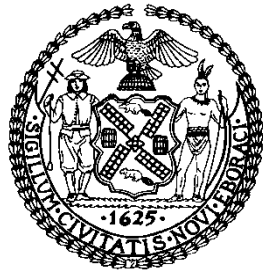
force – three of which would be appointed by the Mayor and two appointed by the Speaker -made consist of representatives from each of the five boroughs and possess relevant experience with historical, cultural, educational or charitable organizations, associations or corporations and be connected to the history of African-American civil rights in New York city. The legislation would require the Mayor, after consultation with the Speaker, to designate a chairperson of the taskforce. The legislation would also require that each member of the task force serve without compensation and be appointed within 60 days after the effective date of the proposed local law. Pursuant to the legislation, the chairperson of the task force would have the ability to invite any other person considered to have relevant expertise to attend meetings of the task force as a non-voting member.

In addition, the proposed bill would require the task force to consider: (1) a plan related to the feasibility of establishing a museum about New York city’s African-American civil rights history; (2) potential sites for the museum; (3) resources that would be necessary for the museum to provide outreach to the five boroughs; (4) the level of coordination among appropriate stakeholders that would be necessary for the implementation and operation of a museum about New York city’s African-American civil rights history; and (5) any other considerations deemed by the task force to be relevant to development of the report. The proposed local law would also require that the task force submit to the Mayor, Speaker and post online a report containing its findings and conclusions and recommendations related to establishing a museum dedicated to the history, significance and documentation of the history of African-American civil rights in the city of New York, as well as any minutes of task force meetings, by March 1, 2021.

Proposed Int. No. 1451-A would take effect immediately after it becomes law.

Since introduction, Proposed Int. 1451-A was amended to clarify that museum would focus on African American civil rights history, that the Speaker would appoint two, rather than three, members and that those members would represent each borough. The proposed local law was also updated to change the timeline of the task force from 12 months to March 1, 2021, remove the public meeting requirement, require that the report be posted online, and to require that the task force’s meeting minutes be made available.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1451-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1451-A**  
**COMMITTEE: Cultural Affairs**

**TITLE:** A Local Law in relation to the creation of a task force regarding a museum about New York city’s African-American civil rights history.

**Sponsors:** By Council Members Cabrera, Holden, Van Bramer, Cornegy, Rosenthal, Powers, Cumbo, Miller, Ampry-Samuel, Rose, Grodenchik, Reynoso, Richards, Kallos, Louis, Chin, Gibson and Ulrich.



**SUMMARY OF LEGISLATION:** Proposed Int. No. 1451-A would create a task force of 11 members on a museum about New York city’s African-American civil rights history. The bill would require the task force to consider a plan related to the feasibility of establishing a museum about New York city’s African-American civil rights history, potential sites for the museum, resources that would be necessary for the museum to provide outreach to the five boroughs, the level of coordination among appropriate stakeholders that would be necessary for the implementation and operation of a museum about New York city’s African-American civil rights history and any other considerations deemed necessary by the task force to be relevant to develop the required report. No later than March 1, 2021, the task force would be required to submit and post online a report that contains its findings, conclusions and any recommendations related to establishing such a museum, as well as any minutes of task force meetings. The bill would require the task force to dissolve upon submission of the required report.

**EFFECTIVE DATE:** This local law would take effect immediately and would be deemed repealed upon the task force issuing the required report.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no fiscal impact on expenditures as each member of the task force would serve without compensation and would together compile the findings and conclusions for the required report.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor’s Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director  
Crilhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 28, 2019 as Int. No. 1451, and was referred to the Committee on Cultural Affairs (Committee). A hearing was held by the Committee on October 31 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1451-A, will be voted on by the Committee at a hearing on February 24, 2020. Upon successful vote by the Committee, Proposed Int. No. 1451-A will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 20, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1451-A:)**

Int. No. 1451-A

By Council Members Cabrera, Holden, Van Bramer, Cornegy, Rosenthal, Powers, Cumbo, Miller, Ampry-Samuel, Rose, Grodenchik, Reynoso, Richards, Kallos, Louis, Chin, Gibson, Gjonaj, Ayala, Eugene, Rivera and Ulrich.

**A Local Law in relation to the creation of a task force regarding a museum about New York city's African-American civil rights history**

*Be it enacted by the Council as follows:*

Section 1. Task force on a museum about New York city's African-American civil rights history. a. There shall be a task force to consider a museum about New York city's African-American civil rights history.

b. The task force shall consist of 11 members as follows:

1. The chancellor of the department of education or such chancellor's designee;
2. The commissioner of the mayor's office of immigrant affairs or such commissioner's designee;
3. The commissioner of the department of cultural affairs or such commissioner's designee;
4. The chairperson of the city commission on human rights or such chairperson's designee;
5. The commissioner of the department of records or such commissioner's designee;
6. The commissioner of the department of parks and recreation or such commissioner's designee; and
7. Five members, representing each of the 5 boroughs, 3 of whom are appointed by the mayor and 2 of whom

are appointed by the speaker of the council, provided that each such member shall have relevant experience with historical, cultural, educational or charitable organizations, associations or corporations and is or was connected to the history of African-American civil rights in New York city.

c. The mayor, after consultation with the speaker of the council, shall designate a chairperson of the task force.

d. Each member of the task force shall serve without compensation. All members shall be appointed within 60 days after the effective date of this local law.

e. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

f. The chairperson of the task force may invite any other person considered to have relevant expertise to attend meetings of the task force as a non-voting member, including but not limited to:

1. The chair and executive director of the civic engagement commission or such chair and executive director's designee;
2. The executive director of the commission on gender equity or such executive director's designee;
3. The director of the mayor's office of criminal justice or such director's designee; and
4. The chair of the landmarks preservation commission or such chair's designee.

g. The task force shall meet at least quarterly.

h. The task force shall consider the following topics:

1. A plan related to the feasibility of establishing a museum about New York city's African-American civil rights history;
2. Potential sites for the museum;
3. Resources that would be necessary for the museum to provide outreach to the 5 boroughs;
4. The level of coordination among appropriate stakeholders that would be necessary for the implementation and operation of a museum about New York city's African-American civil rights history; and
5. Any other considerations deemed by the task force to be relevant to development of the report required by subdivision i of this section.

i. No later than March 1, 2021, the task force shall submit to the mayor, the speaker of the council and post online a report that contains its findings and conclusions and any recommendations related to establishing a museum dedicated to the history, significance and documentation of the history of African-American civil rights in the city of New York, as well as any minutes of task force meetings.

j. The task force shall dissolve upon submission of the report required by subdivision i of this section.

§ 2. This local law takes effect immediately and is deemed repealed upon issuance of the report required by subdivision i of section one of this local law.

JAMES G. VAN BRAMER, *Chairperson*; LAURIE A. CUMBO; MARK GJONAJ, FRANCISCO P. MOYA; JOSEPH C. BORELLI. Committee on Cultural Affairs, Libraries and International Intergroup Relations, February 24, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

### **Report of the Committee on Economic Development**

Report for Int. No. 1652-A

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to ensuring that community gardens are classified as open space, outdoor recreation, a community garden or other similar description of land in a database maintained by the department of city planning.**

The Committee on Economic Development, to which the annexed proposed amended local law was referred on August 14, 2019 (Minutes, page 2720), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On February 25, 2020, the Committee on Economic Development, chaired by Council Member Paul A. Vallone, held a second hearing on Int. 1652-A, in relation to ensuring that community gardens are classified as open space, outdoor recreation, a community garden or other similar description of land in a database maintained by the department of city planning, sponsored by Council Member Alicka Ampry-Samuel, and on Int. 1654-A, in relation to neighborhood awareness campaigns regarding farm-to-city projects, sponsored by Council Member Diana Ayala. The Committee first heard prior versions of these bills on September 18, 2019. The bills were approved by the Committee by a vote of seven in the affirmative and zero in the negative.

Int. No. 1652-A would require the Department of City Planning (“DCP”) to categorize community gardens as open space, outdoor recreation, a community garden, or other similar description in the Primary Land Use Tax Lot Output (“PLUTO”) data set, and would also prohibit DCP from categorizing community gardens as vacant land. Int. No. 1654-A would require the Department of Health and Mental Hygiene (“DOHMH”) to conduct neighborhood-specific public awareness and education campaigns regarding the City’s farm-to-city projects, which includes farmers’ markets, community supported agriculture, food boxes, and fresh pantries. DOHMH would also be required to post all relevant information to its website.

## II. BACKGROUND

On August 1, 2019, New York City Council Speaker Corey Johnson released the report *Growing Food Equity in New York City: A City Council Agenda* (“*Growing Food Equity*”).<sup>1</sup> The report outlines budget and legislative proposals to build food equity in the areas of food governance; hunger; food waste; school food and nutrition education; equitable access to healthy food; and urban agriculture. Every person regardless of their income, race, gender, education, age, birthplace, or neighborhood should have equitable access to healthy food, which can come from many sources such as supermarkets, small grocers, non-profit stores, bodegas, restaurants, green carts, farmers’ markets, Community Supported Agriculture (CSA) programs, fresh food boxes, and community gardens. Yet many New Yorkers experience food insecurity and food-related illnesses, and there is inequitable access to fresh and healthy food options in many neighborhoods throughout the city, particularly in low-income communities of color.<sup>2</sup>

There are numerous areas in our food system where more and improved interventions are needed to tackle food inequities. Many low-income areas continue to be underserved by affordable full-service grocery stores, and some gentrifying neighborhoods are losing affordable stores and gaining higher-priced ones. Farm-to-city programs like farmers’ markets, CSAs, and food box programs can struggle to compete in the food market with a growing influx of grocery and meal-delivery businesses and without growth in local farm businesses, who are themselves combatting low profit margins as they try to have competitive prices with other food retailers.<sup>3</sup> Additionally, our food system has the opportunity to increase access to healthier, fresh, scratch-cooked meals to New York City’s 1.1 million school children. School food menus and kitchen and cafeteria infrastructure need significant investments to increase the participation rates and access to healthy food for our school-age children.

Further, New York City continues to face a “meal gap”—the number of missing meals that result from insufficient household resources to purchase food—of nearly 208 million meals.<sup>4</sup> An estimated 1.09 million New Yorkers are “food insecure,” meaning that they had difficulty at some time during the year accessing enough food due to a lack of resources.<sup>5</sup> New York City’s food insecurity rate is 12% higher than the national rate, and 21% higher than New York State’s.<sup>6</sup> While New York City’s current rate of food insecurity is declining, it is still higher than prior to the 2008 recession.<sup>7</sup> From 2015-2017, 18% of all children, almost 9% of working adults, and almost 11% of seniors experienced food insecurity.<sup>8</sup> Moreover, food insecurity is a significant challenge among college students. A March 2019 survey of 22,000 CUNY students across 19 campuses found almost half (48%) of respondents indicated that they experienced food insecurity in the previous 30 days.<sup>9</sup>

Meanwhile, the inefficiency of our food system is staggering. While almost 41 million Americans do not have enough to eat, we also paradoxically waste food at alarming rates.<sup>10</sup> Approximately 40% of all food grown in the U.S. is thrown away before it is eaten.<sup>11</sup> Saving just one-third of food from becoming waste would feed

<sup>1</sup> New York City Council, “Growing Food Equity in New York City: A City Council Agenda” (August 2019), <http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/08/growing-food-equity-1.pdf>

<sup>2</sup> *Id.* at 4-6

<sup>3</sup> Kyle Lawson, Membership groups offering farm fresh food on Staten Island struggle with declining participation. Staten Island Live (June 11, 2019), available at <https://www.silive.com/news/2019/06/membership-groups-offering-farm-fresh-food-on-staten-island-struggle-with-declining-participation.html>; Jodi Helmer, Why Are So Many Farmers Markets Failing? Because The Market Is Saturated, NPR (March 17, 2019), available at <https://www.npr.org/sections/thesalt/2019/03/17/700715793/why-are-so-many-farmers-markets-failing-because-the-market-is-saturated>

<sup>4</sup> Food Bank For New York City, Research, Reports and Financials: Fast Facts, available at <https://www.foodbanknyc.org/research-reports/> (last visited September 10, 2019), (hereinafter, Food Bank for New York City, Fast Facts).

<sup>5</sup> Hunger Free America, The Uneaten Big Apple: Hunger’s High Cost in NYC, New York City Hunger Report, 2018, Hunger Free America, available at [https://www.hungerfreeamerica.org/sites/default/files/atoms/files/NYC%20and%20NYS%20Hunger%20Report%202018\\_0.pdf](https://www.hungerfreeamerica.org/sites/default/files/atoms/files/NYC%20and%20NYS%20Hunger%20Report%202018_0.pdf) (hereinafter, Hunger Free America, The Uneaten Big Apple).

<sup>6</sup> Food Bank For New York City, Fast Facts, *supra* note 4.

<sup>7</sup> Hunger Free America, The Uneaten Big Apple, *supra* note 5

<sup>8</sup> *Id.*

<sup>9</sup> Sara Goldrick-Rab, Vanessa Coca, Christine Baker-Smita and Elizabeth Looker, City University of New York #RealCollege Survey, (March 2019), available at [https://hope4college.com/wpcontent/uploads/2019/03/HOPE\\_realcollege\\_CUNY\\_report\\_final\\_webversion.pdf](https://hope4college.com/wpcontent/uploads/2019/03/HOPE_realcollege_CUNY_report_final_webversion.pdf).

<sup>10</sup> Feeding America, Food Insecurity in the United States, available at <https://map.feedingamerica.org/> (last visited September 10, 2019)

<sup>11</sup> Wasted: How America is Losing Up To 40 Percent of its Food Farm to Fork to Landfill, Second Edition of NRDC’s Original 2012 Report, National Resource Defense Council, (2017), available at <https://www.nrdc.org/sites/default/files/wasted-2017-report.pdf>

the 41 million Americans who face hunger.<sup>12</sup> On average, a New York City household wastes 8.7 pounds of food every week, despite that six pounds of this food is edible at the time it is thrown out.<sup>13</sup> Food waste at individual and institutional levels can be curbed. Each year, 11 City agencies serve almost 240 million meals and snacks in a variety of settings, including schools, after school programs, public hospitals, and correctional facilities.<sup>14</sup> Not only is this buying power an opportunity to reduce food waste, but to advance good food purchasing standards that help ensure that city-procured food advances goals that support five value areas: local economies, nutrition, valued workforce, animal welfare, and environmental sustainability.

The City also needs equitable access to green spaces, including through urban agriculture. Urban agriculture in New York City includes a rich history of community gardens, and newer food production and greening models, such as green roofs, and rooftop and vertical farms. Even after decades of existence, some community gardens still face struggles for survival against competing land interests. Urban agriculture spaces are key neighborhood assets in terms of food, education, community development, environmental protection, and improved health and quality of life. They are also one important tool cities have in the fight against climate change and the myriad of public health concerns that follow rising temperatures, such as asthma attacks and heat-related illnesses. Due to the “urban heat island effect,” cities are often two to eight degrees warmer than their neighboring suburban and rural areas.<sup>15</sup> This is due to a combination of factors, including tall buildings, dark roofs and pavement that absorb heat, and lack of green space.<sup>16</sup> The heat island effect is exacerbated in low-income communities of color that have long faced disinvestment and have less access to green space.<sup>17</sup>

Government is uniquely positioned to partner with communities in the fight for a just and fair food system. Policy makers can ensure that systems are designed with food justice goals in mind to protect those most impacted by food inequities, and that more resources are reaching the communities where neighbors are engaged in this work. Government can also coordinate actions across agencies and systems, since we know that policy decisions made in areas like housing, environmental protection, climate change, criminal justice, education, transportation, and more have a direct impact on hunger, healthy food access, food business development, and green space. Yet food and agriculture work being done across many different City agencies continues without a codified, well-resourced office of food policy; a unified, comprehensive food plan with a formal community engagement strategy; or consistent and meaningful tools for measuring the impact of City agencies’ efforts to address food issues. Without governance reforms, the impact of City interventions to combat the social and economic food inequities that millions of our city’s residents combat each day remain limited.

*Growing Food Equity* includes tangible steps the City can take to make a difference in how our food system is run and ensure its risks and benefits are shared and not distributed inequitably. Along with budget priorities, *Growing Food Equity* outlines a legislative agenda to improve food equity, combat food insecurity and increase healthy food access for all New Yorkers. The following legislation is highlighted in *Growing Food Equity* and is being considered at today’s hearing.

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<sup>12</sup> *Id.*

<sup>13</sup> NRDC, Estimating Quantities and Types of Food Waste at the City Level, (Oct. 2017), available at <https://www.nrdc.org/sites/default/files/food-waste-city-level-report.pdf>.

<sup>14</sup> NYC Food Policy, Food Metrics Report 2018, <https://www1.nyc.gov/assets/foodpolicy/downloads/pdf/2018-Food-Metrics-Report.pdf>

<sup>15</sup> Calma, Justine, How New York City Is Tackling Extreme Heat in a Warming World, *Grist* (July 16, 2018), available at <https://www.wired.com/story/how-new-york-city-is-tackling-extreme-heat-in-a-warming-world/>.

<sup>16</sup> *Id.*

<sup>17</sup> Richard Florida, The Inequality of America’s Parks and Green Space, *CityLab* (Mar. 19, 2019), available at <https://www.citylab.com/equity/2019/03/inequality-parks-and-green-space-income-race-research/585166/>.

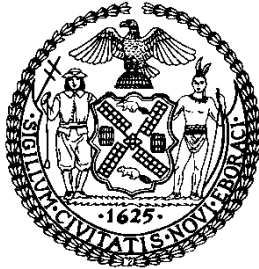
**III. LEGISLATION****INT. NO. 1652-A**

Int. No. 1652-A would require the Department of City Planning (“DCP”) to categorize community gardens as open space, outdoor recreation, a community garden, or other similar description in the Primary Land Use Tax Lot Output (“PLUTO”) data set. Currently the PLUTO database, which is maintained by DCP and the Department of Finance, classifies community gardens as vacant lots. Int. No. 1652-A would prohibit DCP from categorizing community gardens as vacant. Int. No. 1652-A would take effect 180 days after it becomes law.

**INT. NO. 1654-A**

Int. No. 1654-A would require the Department of Health and Mental Hygiene (“DOHMH”) to conduct neighborhood-specific public awareness and education campaigns regarding the City’s farm-to-city projects, which includes farmers’ markets, community supported agriculture, food boxes, and fresh pantries. DOHMH would also be required to post all relevant information regarding these awareness and education campaigns to its website. Int. No. 1654-A would take effect 270 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1652-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1652-A  
COMMITTEE: Economic Development**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to ensuring that community gardens are classified as open space, outdoor recreation, a community garden or other similar description of land in a database maintained by the department of city planning.

**SPONSOR(S):** Council Members Ampry-Samuel, Kallos, Ayala, Gibson, Lander and Cornegy.

**SUMMARY OF LEGISLATION:** This bill would require the Department of City Planning (DCP) to assign a land use category to a community garden, in accordance with its methodology for classifying a lot that describes a garden in the Primary Land Use Tax Lot Output Database. Such category would include: open space, outdoor recreation, a community garden or any other similar description. In the database, DCP would not be permitted to assign a community garden a land use category that describes a garden being vacant.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2022

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that the enactment of this legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would have no impact on expenditures because the relevant City agency would utilize existing resources to fulfill its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Julia Haramis, Financial Analyst  
Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Regina Poreda Ryan, Deputy Director  
Crielhien Francisco, Unit Head  
Dohini Sompura, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1652 on August 14, 2019 and referred to the Committee on Economic Development (Committee). The Committee heard the legislation on September 18, 2019, and it was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1652-A, will be considered by the Committee on February 25, 2020. Upon a successful vote by the Committee, Proposed Intro. No. 1652-A will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 20, 2020.

**(For text of Int. No. 1654-A and its Fiscal Impact Statement, please see the Report of the Committee on Economic Development for Int. No. 1654-A printed in these Minutes; for text of Int. No. 1652-A, please see below)**

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1652-A:)**

Int. No. 1652-A

By Council Members Ampry-Samuel, Kallos, Ayala, Gibson, Lander, Cornegy, Menchaca, Vallone and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to ensuring that community gardens are classified as open space, outdoor recreation, a community garden or other similar description of land in a database maintained by the department of city planning**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended to add a new section 25-116 to read as follows:

§ 25-116 *Community gardens. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Community garden. The term “community garden” means a tax lot where a garden registered with the department of parks and recreation is located.*

*Land use category. The term “land use category” means a value assigned by the department of city planning to each tax lot in the primary land use tax lot output database that describes how such tax lot is primarily used.*

*Primary land use tax lot output database. The term “primary land use tax lot output database” means the publicly accessible data file compiled and maintained by the department of city planning that contains land use and geographic data at the tax lot level, or any successor data file that is similar in form or function.*

*b. The department of city planning shall assign a land use category to a community garden, in accordance with its methodology for classifying such a lot, that describes such garden in the primary land use tax lot output database as open space, outdoor recreation, a community garden, or other similar description. The department shall not assign a community garden a land use category in such database that describes such garden as vacant.*

*c. The department of city planning shall include a statement in the primary land use tax lot output database that the assignment of a land use category to any tax lot in such database is solely informational and does not confer or change a legal status for such tax lot.*

§ 2. This local law takes effect 180 days after it becomes law.

PAUL A. VALLONE. *Chairperson*; PETER A. KOO, BRADFORD S. LANDER, INEZ D. BARRON, CARLOS MENCHACA, MARK GJONAJ, KEITH POWERS,; Committee on Economic Development, February 25, 2020. *Other Council Members Attending: Council Member Adams.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 1654-A

**Report of the Committee on Economic Development in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to neighborhood awareness campaigns regarding farm-to-city projects.**

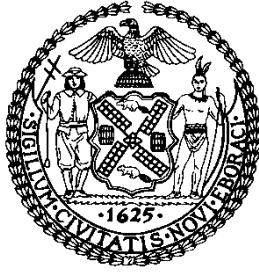
The Committee on Economic Development, to which the annexed proposed amended local law was referred August 14, 2019 (Minutes, page 2722), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Economic Development for Int. No. 1652-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1654-A:*





**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 1654-A  
**COMMITTEE:** Economic Development

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to neighborhood awareness campaigns regarding farm-to-city projects.

**SPONSOR(S):** Council Members Ayala, Kallos, Gibson and Lander.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Health and Mental Hygiene (DOHMH) to develop materials for neighborhood-specific farm-to-city project awareness in each of the designated citywide languages, regarding the City's farm-to-city projects available in each neighborhood throughout all five boroughs. The bill would also require DOHMH to post this information on its website.

**EFFECTIVE DATE:** This local law would take effect 270 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2022

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that the enactment of this legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would have no impact on expenditures because DOHMH would utilize existing resources, along with non-City resources funded through the Council's Food Access and Benefits Initiative, to comply with the requirements of the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Julia Haramis, Financial Analyst  
 Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
 Regina Poreda Ryan, Deputy Director  
 Crilhien Francisco, Unit Head  
 Dohini Sompura, Unit Head  
 Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1654 on August 14, 2019 and referred to the Committee on Economic Development (Committee). A joint hearing was held by the Committee, the Committee on Education and the Committee on General Welfare on September 18, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1654-A, will be considered by the Committee on February 25, 2020. Upon a successful vote by the Committee, Proposed Intro. No. 1654-A will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 20, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1654-A:)**

Int. No. 1654-A

By Council Members Ayala, Kallos, Gibson, Lander, Menchaca, Vallone and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to neighborhood awareness campaigns regarding farm-to-city projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.13 to read as follows:

§ 17-199.13 *Farm-to-city projects. a. Definitions. As used in this section, the following terms have the following meanings:*

*CSA. The term “CSA” means community supported agriculture partnerships, usually formed between farms and consumers, which allow communities or community members to invest in farms in exchange for regular receipt of such farms’ produce.*

*Farm-to-city project. The term “farm-to-city project” refers to neighborhood- or community-based local fresh food projects, which include CSAs, farmers’ markets, food boxes and food pantries.*

*Farmers’ market. The term “farmers’ market” means an open-air market held for the sale of products grown, raised, caught or baked by regional farmers, producers and fishers to the general public and that does not have a fundraising component. A farmers’ market may be run by a large, centrally-managed network, or by a single community organization, garden group, or other neighborhood or community entity.*

*Food box. The term “food box” means a program that aggregates fresh produce from participating providers and enables consumers to purchase or acquire fresh, regionally-grown produce at a set price that is typically below retail value.*

*Food pantry. The term “food pantry” means a food pantry, food bank, or other emergency food program operating in the city for which the location is published by the human resources administration or otherwise identified by the department.*

*b. Farm-to-city project awareness campaign. The department shall develop materials for neighborhood-specific farm-to-city project awareness in each of the designated citywide languages as defined in section 23-1101, regarding farm-to-city projects available in each neighborhood throughout all five boroughs. The department shall also post this information on its website.*

§ 2. This local law takes effect 270 days after it becomes law.

PAUL A. VALLONE. *Chairperson*; PETER A. KOO, BRADFORD S. LANDER, INEZ D. BARRON, CARLOS MENCHACA, MARK GJONAJ, KEITH POWERS,; Committee on Economic Development, February 25, 2020. *Other Council Members Attending: Council Member Adams.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report of the Committee on Finance

Report for Int. No. 245-B

### **Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to exemptions from the sale of tax liens.**

The Committee on Finance, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 426), respectfully

### REPORTS:

#### **I. Introduction**

On February 27, 2020, the Committee on Finance (Committee), chaired by Council Member Daniel Dromm, will hold a second hearing on Proposed Introduction (Int.) Number (No.) 245-B, introduced by Council Member Reynoso, titled a *Local Law to amend the administrative code of the city of New York, in relation to exemptions from the sale of tax liens*. This is the second hearing on this bill, which was amended twice after introduction. At the first hearing on November 19, 2019, which was jointly held with the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, the Committee heard testimony from representatives from the New York City Department of Finance (DOF), the Mayor's Office of Contract Services (MOCS), and advocacy groups and members of the public.

#### **II. The State of the Not-for-Profit Sector in New York State and New York City**

Not-for-profit organizations provide a multitude of services throughout New York State.<sup>1</sup> Many not-for-profit organizations deliver vital services on behalf of the State and other governmental entities, including health care, social welfare, care for the disabled, education and much more.<sup>2</sup> Given the important functions of these organizations, it is key to understand the role they play in the economy and the ongoing challenges many of these organizations face in both New York State and New York City.

New York State has the largest not-for-profit sector in the country.<sup>3</sup> In 2017, the New York not-for-profit sector led the nation in total employment by generating over 1.4 million jobs with employment wages over \$78 billion (see Chart 1 below). More than one in ten not-for-profit jobs nationwide were located in New York.<sup>4</sup> New York State also ranked third among the states in the concentration of not-for-profit employment in the private sector workforce, at 17.8 percent, following Vermont and Maine<sup>5</sup> (see Chart 2 below). From 2007 through 2017, New York State also added more than 175,000 jobs in the not-for-profit sector, an increase of 14.3 percent.<sup>6</sup>

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<sup>1</sup> See Office of the New York State Comptroller, Thomas P. DiNapoli, *Nonprofit Organizations in New York State: Profile of Employment and Wages* (July 2019) available at <https://osc.state.ny.us/reports/economic/nonprofits-in-nys-2019.pdf> (last accessed on November 8, 2019).

<sup>2</sup> See id.

<sup>3</sup> See id.

<sup>4</sup> See id.

<sup>5</sup> See id.

<sup>6</sup> See id.

**CHART 1****Top 10 States for Not-for-Profit Employment, 2017**

	Number of Jobs
<b>New York</b>	<b>1,404,492</b>
California	1,144,666
Pennsylvania	807,075
Illinois	585,086
Ohio	570,420
Massachusetts	551,117
Florida	535,385
Texas	519,465
Michigan	402,228
Minnesota	368,278
<b>Total United States</b>	<b>12,488,563</b>

Source: U.S. Bureau of Labor Statistics

**CHART 2****Concentration of Not-for-Profit Employees, 2017**

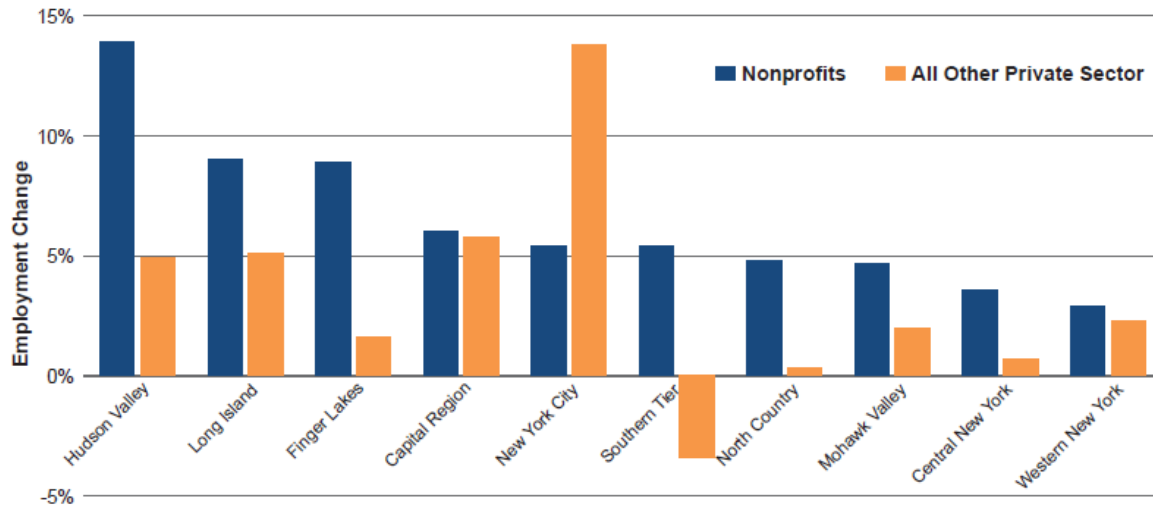
	Percentage of Private Sector Employment
Vermont	19.1%
Maine	18.1%
<b>New York</b>	<b>17.8%</b>
Massachusetts	17.7%
Rhode Island	16.6%
North Dakota	16.0%
Pennsylvania	15.7%
New Hampshire	15.0%
Minnesota	14.9%
Montana	14.8%
<b>Total United States</b>	<b>10.2%</b>

Source: U.S. Bureau of Labor Statistics

New York City had the highest number of not-for-profit employees among all regions of the State in 2017, with 662,025 not-for-profit employees.<sup>7</sup> Not-for-profit employees in the City earned an average of \$63,056, the highest in the state, compared to \$55,572 statewide.<sup>8</sup> Yet despite the employment growth since 2007, the City had the greatest disparity in annual pay, with not-for-profit wages more than \$36,000 below the average for other private employers, which averaged at \$99,657.<sup>9</sup> While much of this difference is due to the presence of the high-wage finance and insurance sector in New York State, not-for-profit wages were still lower (by approximately \$11,200) even when this industry was excluded.<sup>10</sup> With the exception of New York City, employment growth at not-for-profits has outperformed the rest of the private sector in all regions of the State<sup>11</sup> (see Chart 3 below).

<sup>7</sup> See id.<sup>8</sup> See id.<sup>9</sup> See id.<sup>10</sup> See id.<sup>11</sup> See id.

**CHART 3**  
**Cumulative Employment Change by Region, 2013 – 2017**



Source: U.S. Bureau of Labor Statistics

Not-for-profit organizations improve the lives of individuals by adding vitality to communities, contributing to local and national economies, and enhancing the overall health of our democracy. But the ability of these organizations to continue the work they do is faced with many challenges.<sup>12</sup> These challenges include:<sup>13</sup>

1. Many not-for-profits strain to meet increasing public need.
2. Policy proposals at all levels of government threaten the work of all not-for-profits.
3. Worrisome trends have been developing regarding charitable giving.
4. Continued lack of diversity, equity, and inclusion.

According to the National Council of Nonprofits, not-for-profit organizations need a reliable, steady, and supportive public policy environment in which to pursue their missions.<sup>14</sup> Yet those missions are vulnerable to actions by policymakers who, whether intentionally or inadvertently, take away needed resources, impose unnecessary burdens, interfere with decision-making, erect harmful barriers, and change laws in ways that disrupt the work of charitable, religious, and philanthropic organizations.<sup>15</sup> For instance, statutory changes to limit or eliminate charitable giving incentives, eliminate tax exemptions for nonprofits, levy new taxes or fees on nonprofits, impose unwieldy regulatory burdens on nonprofits, substitute its opinions for not-for-profit board's decision-making, or proposed other harmful changes, can all have a significant impact on not-for-profit organizations, many of which are not equipped with the appropriate resources or support to handle these changes.<sup>16</sup>

The Tax Cuts and Jobs Act of 2017 (TCJA),<sup>17</sup> for example, included numerous provisions impacting the work of not-for-profit organizations and the people they serve. Among those changes are: reduced tax incentives for charitable giving; increased taxation of businesses, such as shops and cafés that non-profits commonly use

<sup>12</sup> See National Council of Nonprofits, *Nonprofit Impact Matters: How America's Charitable Nonprofits Strengthen Communities and Improve Lives* (2019) available at <https://www.nonprofitimpactmatters.org/site/assets/files/1/nonprofit-impact-matters-sept-2019-1.pdf> (last accessed on November 8, 2019).

<sup>13</sup> See *id.*

<sup>14</sup> See *id.*

<sup>15</sup> See *id.*

<sup>16</sup> See *id.*

<sup>17</sup> See Tax Cuts and Jobs Act of 2017, Public Law 115-409, available at <https://www.congress.gov/115/plaws/publ97/PLAW-115publ97.pdf>

as a source of revenue; and the imposition of an excise tax on certain university endowments.<sup>18</sup> The effects of these provisions have had an adverse impact on the work of not-for-profit organizations in the City.<sup>19</sup>

In a time where federal and state law and policy are in flux and undoubtedly impact the work of not-for-profit organizations nationwide, it is crucial that the City provides the necessary information and assistance needed for these organizations to successfully navigate through governmental policies, procedures, and regulations.

### III. The Lien Sale Process, Property Tax Exemptions and Other Charges

Although the City provides the not-for-profit community with a variety of information and resources to better support their mission and work, there is still room for improvement with respect to navigating the City's lien sale process for those properties owned by not-for-profit organizations.

A lien is a legal claim against real property for unpaid property taxes, water, sewer or other property charges, as well as the interest due on these taxes and charges.<sup>20</sup> When outstanding amounts have been delinquent for a legally specified period of time, and the City has mailed out notices (90-day notice, 60-day notice, 30-day notice, and 10-day notice) to the property owner, the City is permitted to sell the lien(s) to an authorized third party, who becomes the tax lien purchaser.<sup>21</sup> The new tax lien purchaser then has the authority to collect the money that was previously owed to the City, plus other fees and interest.<sup>22</sup>

The New York State Real Property Tax Law (RPTL) exempts property owned by certain not-for-profit organizations used for specified purposes from the real property tax.<sup>23</sup> Additionally, State law exempts certain not-for-profit organizations from water and sewer charges, the non-payment of which may trigger inclusion in the lien sale.<sup>24</sup> Despite the availability of these exemptions for not-for-profit organizations, in certain cases many may neglect to apply or renew their applications for them, which could result in property tax or water/sewer charge liability where none should exist, thereby leading to the potential inclusion in the lien sale.

In 2016, approximately 89 properties owned by not-for-profit property owners for community use were reported to have their tax debt sold through the City's lien sale process.<sup>25</sup> Among them was the Grace Baptist Church in Bedford-Stuyvesant, which was sold to cover wrongfully levied tax bills, according to a report by Urban Omnibus.<sup>26</sup> The Al-Muneer Foundation, a mosque and community center in Jamaica, Queens was also reported to have its wrongfully issued tax debt sold in 2014 in the City's tax lien sale.<sup>27</sup> According to the Urban Omnibus report, some organizations either forget to re-file for the exemption or are unaware of the requirement – or unaware that the application requirement is annual – and the properties owned by these organizations are included in the City's tax lien sale.<sup>28</sup>

In the lien sale held during Fiscal 2019, liens on 73 properties that had received a not-for-profit exemption within the prior five years were sold.<sup>29</sup>

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<sup>18</sup> See New York City Comptroller Scott M. Stringer, *Impact of the Tax Cuts and Jobs Act on Non-Profits* (April 2018), available at <https://comptroller.nyc.gov/wp-content/uploads/documents/Impact-of-the-Tax-Cuts-and-Jobs-Act-on-Non-Profits.pdf> (last accessed on November 12, 2019).

<sup>19</sup> See *id.*

<sup>20</sup> See generally, NYC Administrative Code, Title 11, Chapter 3.

<sup>21</sup> See NYC Administrative Code § 11-319.

<sup>22</sup> See *id.*

<sup>23</sup> See N.Y. RPTL §§420-a, 420-b, 446 and 462.

<sup>24</sup> See Chapter 696 of the laws of New York of 1887, as amended.

<sup>25</sup> See Gothamist, Nathan Tempey, *Hundreds Of Nonprofits At Risk Of Having Their Tax Debt Sold—Even Though Many Should Likely Be Tax Exempt* (May 9, 2017) available at <https://gothamist.com/news/hundreds-of-nonprofits-at-risk-of-having-their-tax-debt-sold8212even-though-many-should-likely-be-tax-exempt> (last accessed on November 12, 2019).

<sup>26</sup> See *id.*

<sup>27</sup> See *id.*

<sup>28</sup> See Urban Omnibus, DW Gibson, *For Sale: Nonprofits* (November 9, 2016), available at <https://urbanomnibus.net/2016/11/for-sale-nonprofits/> (last accessed on November 12, 2019).

<sup>29</sup> See New York City Department of Finance, List of NFP Lien Sale Property with Tax Exemptions, available at [https://www1.nyc.gov/assets/finance/downloads/pdf/lien\\_sale/2019/final/nfp-notice.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/lien_sale/2019/final/nfp-notice.pdf) (last accessed on November 12, 2019).

#### **IV. Conclusion**

Not-for-profit organizations, large and small, provide a wide variety of services in health care, education, the arts and other sectors throughout New York State. And yet despite the services provided and the role they have in our communities, not-for-profit organizations continue to face a wide variety of challenges – including those created by policy, law and regulation. It is these challenges that require the ongoing attention of the City. The vital work not-for-profit organizations perform for New York City residents make it all the more important that we develop a better understanding of this sector in the our economy, and provide the needed support, resources and education to ensure that these organizations continue to do the work they were established to do for years to come.

#### **V. Legislation**

##### **a. Analysis of Proposed Int. No. 245-B**

Section 1 of Proposed Int. No. 245-B would provide that §11-140 of the Administrative Code, as added by Local Law 252 of 2017, is renumbered §11-141.

Section 2 of Proposed Int. No. 245-B would require that DOF designate an employee to serve as the ombudsperson for not-for-profit organizations that own real property. The ombudsperson would be responsible for responding to inquiries from not-for-profit owners of real property about real property tax exemptions and the tax lien sale; coordinating and conducting public outreach to increase public awareness to not-for-profit owners of real property about available real property tax exemptions and exclusions from the tax lien sale; and coordinating with other agencies to address consequences that a not-for-profit organization may confront as a result of a tax lien.

Section 3 of Proposed Int. No. 245-B would require that DOF exempt from the City's lien sale any property owned by a not-for-profit organization that received a property tax exemption under Sections 420-a, 420-b, 446 and 462 of the New York State Real Property Tax Law in at least one of the prior two fiscal years, provided that: (1) such exemption was granted on or after the date on which such property was conveyed to a not-for-profit organization; (2) the property tax component of such lien arose on or after the date on which such real property was conveyed to such not-for-profit organization; and (3) such not-for-profit organization was organized or conducted for an eligible not-for-profit purpose.

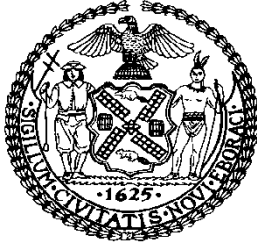
Section 4 of Proposed Int. No. 245-B would provide that a tax lien may not be sold for any property for which the owner has, in good faith, submitted an application for a not-for-profit property tax exemption pursuant to Sections 420-a, 420-b, 446 and 462 of the New York State Real Property Tax Law with DOF that is pending, as well as any property for which the owner has an active appeal of the denial of such an exemption with the Tax Commission. There would be a rebuttable presumption that an application or appeal was not submitted in good faith where, within the 24 months preceding the submission of the application or appeal a deadline to appeal a prior denial of an application or an appeal expired.

Section 5 of Proposed Int. No. 245-B would require notice to owners of Class 4 properties of the availability of exemptions and other actions to remove a property from the sale, as well as mandate certain other changes to the lien sale notice

Section 6 of Proposed Int. No. 245-B would require DOF to include information about how to remove a property from the lien sale when denying an application for certain exemptions.

Section 7 of Proposed Int. No. 245-B would provide that the local law takes effect immediately, except that sections two, five and six would take effect 180 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 245-B:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 245-B**

**COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the sale of tax liens.

**SPONSORS:** By Council Members Reynoso, Rosenthal, Kallos, Rose, Ayala, Deutsch, Perkins, Rivera, Treyger, Richards, Torres, Levin, Brannan, the Public Advocate (Mr. Williams), Lander, Yeger, Menchaca, Ampry-Samuel, Miller, Chin, King, Levine, Cornegy, Barron, Adams, Van Bramer and Louis.

**SUMMARY OF LEGISLATION:** This bill would create a position of a not-for-profit ombudsperson within the Department of Finance (DOF). Moreover, this bill would exempt from the City's lien sale any property owned by a not-for-profit organization that received a not-for-profit property tax exemption in at least one of the prior two fiscal years, provided that: (1) such exemption was granted on or after the date on which such property was conveyed to a not-for-profit organization; (2) the property tax component of such lien arose on or after the date on which such real property was conveyed to such not-for-profit organization; and (3) such not-for-profit organization was organized or conducted for an eligible not-for-profit purpose. Additionally, the bill would provide an exemption for any property for which the owner has submitted a pending application for a not-for-profit property tax exemption pursuant to the above sections with DOF, as well as any property for which the owner is appealing the denial of such an exemption with the Tax Commission. Additionally, the bill would require notice to owners of Class 4 properties of the availability of exemptions and other actions to remove a property from the sale, as well as mandate certain other changes to the lien sale notice. Finally, the bill would require DOF to include information about how to remove a property from the lien sale when denying an application for certain exemptions.

**EFFECTIVE DATE:** This local law would take effect immediately, except that sections two, five and six of the local law would take effect 180 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation as it would largely codify current DOF practice of removing properties from the lien sale that had received not-for-profit exemptions in the past two years, so long as they do not also owe outstanding water debt. While this may delay some water debt collection, the City's budget would not be impacted by any delay in water revenue collections as water payments go to the Water Authority. Water rates charged by the City are not expected to be affected considering this legislation only impacts the timing of collection and existing late interest rates will offset the cost of delayed payments.



**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures from the enactment of this legislation as DOF would utilize existing resources to comply with the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Luke Zangerle, Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on January 31, 2018 as Int. No. 245 and was referred to the Committee on Finance (Committee). The legislation was subsequently amended and the Committee held a hearing on November 19, 2019 jointly with the Committee on Governmental Operations on the amended legislation, Proposed Int. No. 245-A, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 245-B, will be considered by the Committee on February 27, 2020. Upon a successful vote by the Committee, Proposed Int. No. 245-B will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 26, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 245-B:)**

Int. No. 245-B

By Council Members Reynoso, Rosenthal, Kallos, Rose, Ayala, Deutsch, Perkins, Rivera, Treyger, Richards, Torres, Levin, Brannan, the Public Advocate (Mr. Williams), Lander, Yeger, Menchaca, Ampry-Samuel, Miller, Chin, King, Levine, Cornegy, Barron, Adams, Van Bramer, Louis and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the sale of tax liens**

*Be it enacted by the Council as follows:*

Section 1. Section 11-140 of the administrative code of the city of New York, as added by local law number 252 for the year 2017, is renumbered section 11-141.

§ 2. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-142 to read as follows:

§ 11-142. *Not-for-profit ombudsperson.* a. *The commissioner of finance shall designate an employee of the department of finance to serve as an ombudsperson for not-for-profit organizations that own real property.*

b. *For purposes of this section, "not-for-profit organization" means a corporation or association which is organized or conducted exclusively for the purposes described in paragraph a or paragraph b of subdivision 1 of section 11-246 of this code.*

c. *Contact information for such ombudsperson shall be posted on the department of finance's website and on any notice issued by the department of finance pertaining to ownership of real property by a not-for-profit organization, including, but not limited to:*

1. *Any application for an exemption from real property taxation pursuant to section 420-a, 420-b, 446, or 462 of the real property tax law;*

2. *Any denial, revocation or termination of such exemption; or*

3. *Any notice required pursuant to subdivision b of section 11-320 of a sale of a tax lien.*

*c. The duties of such ombudsperson shall include but need not be limited to:*

- 1. Responding to inquiries from not-for-profit organizations that own real property about real property tax exemptions and the tax lien sale;*
- 2. Coordinating and conducting public outreach to increase public awareness of exemptions from the real property tax and exclusions from the tax lien sale available to not-for-profit organizations that own real property; and*
- 3. Coordinating with other city agencies to address consequences that a not-for-profit organization may confront as a result of a tax lien.*

§ 3. Subdivision a of section 11-319 of the administrative code of the city of New York, as amended by local law number 15 for the year 2011, is amended to read as follows:

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class one property or on class two property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars or, in the case of abandoned class one property or abandoned class two property that is a residential condominium or residential cooperative, for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any: (A) residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of such residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date; or (B) on any real property that was granted an exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law in one of the two fiscal years preceding the date of such sale, provided that: (1) such exemption was granted to such real property upon the application of a not-for-profit organization that owns such real property on or after the date on which such real property was conveyed to such not-for-profit organization; (2) the real property tax component of such lien arose on or after the date on which such real property was conveyed to such not-for-profit organization; and (3) such not-for-profit organization is organized or conducted for one of the purposes described in paragraph a or paragraph b of subdivision 1 of section 11-246 of this chapter, and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. A tax lien or tax liens on any property classified as a class two property, except

a class two property that is a residential condominium or residential cooperative, or a class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, or class three property, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A tax lien or tax liens on a property classified as a class four property, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component or emergency repair charges component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component, water rents component or emergency repair charges component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. A sale of a tax lien or tax liens shall include, in addition to such lien or liens that have remained unpaid in whole or in part for one year, or, in the case of any class one property or class two property that is a residential condominium or residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for three years, or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for two years, and equals or exceeds the sum of five thousand dollars, any taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable, a surcharge pursuant to section 11-332 of this chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining "abandoned" property, as such term is used in this subdivision.

§ 4. Subdivision b of section 11-319 of the administrative code of the city of New York is amended by adding a new paragraph 13 to read as follows:

*13. Notwithstanding any provision of this chapter to the contrary, no tax lien shall be sold pursuant to this chapter on any of the following properties: (i) any real property for which the owner in good faith has submitted an application that is pending with the department of finance for a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law; and (ii) any real property for which the owner has in good faith filed an appeal with the tax commission of a denial of any such application and such appeal is pending. There shall be a rebuttable presumption that an application or an appeal referenced in the preceding sentence was not submitted in good faith where, within the 24 months preceding the submission of such application or such appeal, the period for the filing of an appeal of a denial by the department of finance of a previous application for a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law has expired.*

§ 5. Paragraph 4 of subdivision b of section 11-320 of the administrative code of the city of New York, as added by local law number 14 for the year 2015, is amended to read as follows:

4. Such notice shall also include, with respect to a property that was in receipt of a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law in one or more of the three fiscal years preceding the date of the notice provided not less than ninety days prior to the date of sale, *or with respect to a property in class four, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law*, information relating to the initial application and renewal process for such property tax exemptions, and other actions available to the owner of such property in the event such property is noticed for sale pursuant to this

subdivision, including, if available, an adjustment or cancellation of back taxes. Upon [the written] request of the owner of such property, a [Chinese, Korean, Russian or Spanish] translation of such notice *in any of the top ten languages most commonly spoken within the city as determined by the department of city planning* shall be provided to such owner.

§ 6. Title 11 of the administrative code of the city of New York is amended by adding a new section 11-246.1 to read as follows:

*§ 11-246.1. The commissioner of finance shall include, in any written communication with a property owner related to the denial of a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law, information on actions a property owner can take, upon notice of a sale of a tax lien of property of such owner, that may prevent the sale of such tax lien.*

§ 7. This local law takes effect immediately, except that sections two, five and six of this local law take effect 180 days after it becomes law.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 1258

**Report of the Committee on Finance in favor of a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on February 27, 2020, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter.

On June 6, 2017, the Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”). On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”). On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2020 Expense Budget, new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2019 Expense Budget, new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2018 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations

receiving funding in accordance with the Fiscal 2020 Expense Budget.

This Resolution, dated February 27, 2020, approves the new designations and the changes in the designation of certain organizations receiving local, youth and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2018 Expense Budget, and amends the description for the Description/Scope of Services of certain organization receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary in accordance with the Fiscal 2020 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2020 Expense Budget, as described in Charts 4-26; sets forth the changes in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2019 Expense Budget, as described in Chart 27; sets forth the new designation and the change in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2019 Expense Budget, as described in Chart 28; sets forth the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 29; sets forth the changes in the designation of a certain organization receiving funding pursuant to a certain initiative pursuant to the Fiscal 2018 Expense Budget, as described in Chart 30; and amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, as described in Chart 31.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2020 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2020 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 5 sets forth the change in the designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2020 Expense Budget.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2020 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 8 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 9 sets forth the change in the designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 10 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 12 sets forth the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2020 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2020 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 16 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2020 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 17 sets forth the new designation of a certain organizations receiving funding pursuant to the Support for Educators Initiative in accordance with the Fiscal 2020 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 18 sets forth the removal of funds from the administering agency pursuant to the Work-Based Learning Internships Initiative in accordance with the Fiscal 2020 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 19 sets forth the new designation of certain organizations receiving funding pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2020 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 20 sets forth the new designation of a certain organization receiving funding pursuant to the Bridge Program for Workforce Development Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 21 sets forth the change in the designation of a certain organization receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2020 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 22 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2020 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 23 sets forth the new designation and the changes in designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 24 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Census 2020 Outreach Initiative in accordance with the Fiscal 2020 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 25 sets forth the new designation of a certain organization receiving funding pursuant to the Cure Hate Initiative in accordance with the Fiscal 2020 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 26 sets forth the new designation and the change of designation of certain organizations receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2020 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 27 sets forth the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 28 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 29 sets forth the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 30 sets forth the change in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 31 amends the description for the Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should also be noted that funding for organizations in the attached Charts with a double asterisk (\*\*) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2020, Fiscal 2019, and Fiscal 2018 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1258:)**

## Res. No. 1258

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Dromm.

**Whereas**, On June 19, 2019 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

**Whereas**, On June 14, 2018 the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

**Whereas**, On June 6, 2017, the City Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 and Fiscal 2019 and Fiscal 2018 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth and aging discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and aging discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the change in the designation of a certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 10; and be it further



**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organization receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support for Educators Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the removal of funds from the administering agency pursuant to the Work-Based Learning Internships Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Bridge Program for Workforce Development Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Census 2020 Outreach Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Cure Hate Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organizations local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 31.

**ATTACHMENT:**

**CHART #1: Local Initiatives - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Rosenthal	Congregation B'nai Jeshurun - Meals Program	13-0594858	DSS/HRA	(\$5,000)	069	105	
Rosenthal	Congregation B'nai Jeshurun Starafroler Hebria - Meals Program	13-0594858	DSS/HRA	\$5,000	069	105	
Ampry-Samuel	Nia Theatrical Production Company, Inc. - Brownsville Old Timer's Week	11-3427470	DCLA	(\$15,000)	126	003	
Ampry-Samuel	Victory Music and Dance Company, Inc.	47-2167056	DCLA	\$15,000	126	003	
Adams	ENACT, Inc.	13-3422660	DCLA	(\$8,000)	126	003	
Adams	Black Spectrum Theatre Company, Inc.	51-0135262	DCLA	\$4,000	126	003	
Adams	Jamaica Center for Arts and Learning, Inc.	11-2478709	DCLA	\$4,000	126	003	
CD37	St. Peter's Evangelical Lutheran Church	11-1797192	DYCD	(\$20,000)	260	312	
CD37	St. Peter's Evangelical Lutheran Church in the Borough of Brooklyn	11-1797192	DYCD	\$20,000	260	312	
Speaker	New York City Audubon Society, Inc. **	13-3057954	DYCD	(\$10,000)	260	005	
Speaker	New York City Audubon Society, Inc. **	13-3057954	DPR	\$10,000	846	006	
Rosenthal	Sadie Nash Leadership Project, Inc.	11-3633912	DYCD	(\$5,000)	260	312	
Rosenthal	Department of Education - Frank McCourt High School (M417) **	13-6400434	DOE	\$5,000	040	402	
Speaker	Friends of Hudson River Park, Inc.	13-4112913	DYCD	(\$150,000)	260	005	
Speaker	Hudson River Park Trust	06-1546019	DYCD	\$150,000	260	005	
Constantinides	East River Development Alliance, Inc.	86-1096987	DYCD	(\$2,500)	260	312	
Constantinides	Jackson Heights Beautification Group	11-2925587	DYCD	\$2,500	260	005	
Rivera	Loisaida, Inc. **	13-3023183	DCLA	(\$30,000)	126	003	
Rivera	Loisaida, Inc. **	13-3023183	DYCD	\$30,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #2: Youth Discretionary - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Reynoso	Department of Youth and Community Development	13-6400434	DYCD	(\$5,000)	260	312	
Reynoso	ArtBridge Projects, Inc.	61-1682898	DYCD	\$5,000	260	312	
Rosenthal	ENACT, Inc. **	13-3422660	DYCD	(\$5,000)	260	312	*
Rosenthal	Sadie Nash Leadership Project, Inc.	11-3633912	DYCD	\$5,000	260	312	
Constantinides	Child Center of NY, Inc., The	11-1733454	DYCD	(\$2,500)	260	312	
Constantinides	East River Development Alliance, Inc.	86-1096987	DYCD	\$2,500	260	312	
Lancman	Cultural Collaborative Jamaica, Inc.	11-3635991	DYCD	(\$5,000)	260	312	*
Lancman	Queens Community House, Inc.	11-2375583	DYCD	\$5,000	260	312	
Cumbo	Department of Youth and Community Development	13-6400434	DYCD	(\$2,500)	260	312	
Cumbo	Jamel Gaines Creative Outlet, Inc.	83-1788832	DYCD	\$2,500	260	312	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #3: Aging Discretionary - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Barron	Department for the Aging - Council District 42	13-6400434	DFTA	(\$38,500)	125	003	*
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development - Vandalia Senior Center	11-3199040	DFTA	\$12,000	125	003	
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development - Abe Stark Senior Center	11-3199040	DFTA	\$11,500	125	003	
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development - Penn Wortman Senior Center	11-3199040	DFTA	\$15,000	125	003	
Lancman	Kew Gardens Hills Community Foundation, Inc.	51-0506762	DFTA	(\$5,000)	125	003	*
Lancman	Young Israel Programs, Inc.	03-0381957	DFTA	\$5,000	125	003	
Miller	Jamaica Service Program for Older Adults (JSPOA), Inc.	51-0204121	DFTA	(\$15,000)	125	003	
Miller	Jamaica Service Program for Older Adults (JSPOA), Inc.	51-0204121	DFTA	(\$11,500)	125	003	
Miller	Jamaica Service Program for Older Adults (JSPOA), Inc. - Transportation Program	51-0204121	DFTA	(\$7,500)	125	003	
Miller	Allen Community Senior Citizens Center, Inc.	11-2326244	DFTA	\$15,000	125	003	
Miller	Allen Community Senior Citizens Center, Inc.	11-2326244	DFTA	\$11,500	125	003	
Miller	Allen Community Senior Citizens Center, Inc. - Transportation Program	11-2326244	DFTA	\$7,500	125	003	
Lancman	Jamaica Service Program for Older Adults (JSPOA), Inc. - Shelton House Senior Center	51-0204121	DFTA	(\$5,000)	125	003	
Lancman	Allen Community Senior Citizens Center, Inc. - Shelton House Senior Center	11-2326244	DFTA	\$5,000	125	003	
Adams	Jamaica Service Program for Older Adults (JSPOA), Inc. - Rockaway Blvd. Senior Center	51-0204121	DFTA	(\$20,000)	125	003	
Adams	Allen Community Senior Citizens Center, Inc. - Rockaway Blvd. Senior Center	11-2326244	DFTA	\$20,000	125	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #4: Speaker's Initiative to Address Citywide Needs - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Speaker	Loisaida, Inc. **	13-3023183	DCLA	(\$100,000)	126	003	
Speaker	Loisaida, Inc. **	13-3023183	DYCD	\$100,000	260	005	
Speaker	Jewish Children's Museum **	13-3798344	DYCD	\$75,000	260	005	
Speaker	Chinatown Partnership Local Development Corporation **	42-1650478	HPD	\$50,000	806	009	
Speaker	STRIVE International, Inc. **	13-3255679	SBS	\$50,000	801	002	
Speaker	Creative Outlet Dance Theatre of Brooklyn, Inc. **	11-3307754	DYCD	\$20,000	260	005	
Speaker	Metropolitan New York Coordinating Council on Jewish Poverty, Inc. **	13-2738818	DYCD	\$375,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #5: A Greener NYC - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Lancman	Department of Parks and Recreation - Park Rangers @ Captain Tilly	13-6400434	DPR	(\$10,000)	846	006	
Lancman	Department of Parks and Recreation - Ranger Programming @ Captain Tilly	13-6400434	DPR	\$10,000	846	006	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #6: Cultural After-School Adventure (CASA) - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Gjonaj	Bartow-Pell Landmark Fund - Bronx Green Middle School (11X326)	51-0243951	DCLA	(\$20,000)	126	003	
Gjonaj	Bartow-Pell Landmark Fund - Public School 175 City Island (11X175)	51-0243951	DCLA	\$20,000	126	003	
Louis	Research Foundation of the City University of New York - CUNY Creative Arts Team - Public School 119K (22K119)	13-3893536	DCLA	(\$20,000)	126	003	
Louis	Research Foundation of the City University of New York - CUNY Creative Arts Team - Public School 119K (22K119)	13-1988190	DCLA	\$20,000	126	003	
Louis	Jewish Community Council of Greater Coney Island, Inc. - Public School 269K	11-2665181	DCLA	(\$20,000)	126	003	
Louis	Jewish Community Council of Greater Coney Island, Inc. - Public School 361 East Flatbush Early Childhood School (22K361)	11-2665181	DCLA	\$20,000	126	003	
Perkins	Sugar Hill Children's Museum of Art and Storytelling - Thurgood Marshall Academy for Learning and Social Change (05M670)	46-5412811	DCLA	(\$20,000)	126	003	
Perkins	Sugar Hill Children's Museum of Art and Storytelling - Public School 028 Wright Brothers (06M028)	46-5412811	DCLA	\$20,000	126	003	
Lander	Brooklyn Historical Society, The - Young Curator/ Young Scholars	11-1630813	DCLA	(\$20,000)	126	003	
Lander	Brooklyn Historical Society, The - Public School 282 Park Slope (13K282)	11-1630813	DCLA	\$20,000	126	003	
Richards	DIVAS for Social Justice, Inc. - Gordon Parks School, The (29Q270)	30-0475160	DCLA	(\$20,000)	126	003	
Richards	DIVAS for Social Justice, Inc. - Public School 132 Ralph Bunche (29Q132)	30-0475160	DCLA	\$20,000	126	003	
Rodriguez	Association of Dominican Classical Artists, Inc.	13-3843597	DCLA	(\$20,000)	126	003	
Rodriguez	Association of Dominican Classical Artists, Inc. - Gregorio Luperon High School for Science and Mathematics (06M552)	13-3843597	DCLA	\$20,000	126	003	
Johnson	JLSC Educational Tour Bus, Inc. - Hudson High School of Learning Technologies (02M437)	13-4085631	DCLA	(\$20,000)	126	003	
Johnson	Friends of the High Line, Inc. - Quest to Learn (02M422)	31-1734086	DCLA	\$20,000	126	003	
Johnson	JLSC Educational Tour Bus, Inc. - N.Y.C. Lab School for Collaborative Studies (02M412)	13-4085631	DCLA	(\$20,000)	126	003	
Johnson	TADA! Theatre and Dance Alliance, Inc. - PS51M (02M051)	13-3311294	DCLA	\$20,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



## CHART #7: Cultural Immigrant Initiative - Fiscal 2020

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Holden	JLSC Educational Tour Bus, Inc. - Educational Programs - Council District 30	13-4085631	DCLA	(\$20,000)	126	003	
Holden	Queens Symphony Orchestra, Inc. - Orchestra Concerts - Council District 30	11-2106191	DCLA	\$10,000	126	003	
Holden	Greater Ridgewood Youth Council, Inc., The	11-2518141	DCLA	\$10,000	126	003	
Cohen	Van Cortlandt Park Alliance, Inc. **	13-3843182	DYCD	(\$20,000)	260	005	
Cohen	Van Cortlandt Park Alliance, Inc. - Enslaved Peoples Project **	13-3843182	DCLA	\$20,000	126	003	
Cohen	Van Cortlandt Park Alliance, Inc. **	13-3843182	DYCD	(\$10,000)	260	005	
Cohen	Van Cortlandt Park Alliance, Inc. - Enslaved Peoples Project **	13-3843182	DCLA	\$10,000	126	003	
Vallone	JLSC Educational Tour Bus, Inc.	13-4085631	DCLA	(\$20,000)	126	003	
Vallone	Alley Pond Environmental Center, Inc. - Environmental Education Programs	11-2405466	DCLA	\$10,000	126	003	
Vallone	Bayside Historical Society	11-6049457	DCLA	\$10,000	126	003	
Lancman	JLSC Educational Tour Bus, Inc.	13-4085631	DCLA	(\$10,000)	126	003	
Lancman	Jewish Community Council of Greater Coney Island, Inc. - Fair - Council District 24	11-2665181	DCLA	\$10,000	126	003	
Grodenschik	JLSC Educational Tour Bus, Inc. **	13-4085631	DCLA	(\$10,000)	126	003	
Grodenschik	City University of New York - Queensborough Community College - Kupferbeg Holocaust Center **	13-6400434	CUNY	\$10,000	042	001	
Grodenschik	JLSC Educational Tour Bus, Inc.	13-4085631	DCLA	(\$10,000)	126	003	
Grodenschik	Dancing Classrooms, Inc. - Public School 035 Nathaniel Woodhull (29Q035)	22-2542960	DCLA	\$10,000	126	003	
Koslowitz	JLSC Educational Tour Bus, Inc.	13-4085631	DCLA	(\$48,000)	126	003	
Koslowitz	Queens Museum of Art	11-2278998	DCLA	\$20,000	126	022	
Koslowitz	Colonial Farmhouse Restoration Society of Bellerose, Inc.	11-2508369	DCLA	\$10,000	126	003	
Koslowitz	RPGA Studio, Inc.	47-2589237	DCLA	\$8,000	126	003	
Koslowitz	Queens Jewish Community Council, Inc.	23-7172152	DCLA	\$10,000	126	003	
Deutsch	Jewish Children's Museum ***	13-3798344	DCLA	(\$10,000)	126	003	
Deutsch	Jewish Children's Museum ***	13-3798344	DYCD	\$10,000	260	005	
Rivera	Loisaida, Inc. **	13-3023183	DCLA	(\$30,000)	126	003	
Rivera	Loisaida, Inc. **	13-3023183	DYCD	\$30,000	260	005	
Moya	Department of Cultural Affairs **	13-6400434	DCLA	(\$10,000)	126	003	
Moya	Library Action Committee of Corona East Elmhurst **	11-2228514	DYCD	\$5,000	260	312	
Moya	Ballroom Basix USA, Inc.	27-3218865	DCLA	\$5,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART #8: Digital Inclusion and Literacy Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Torres	Mouse, Inc. - Middle School 129X (12X129), KAPPA III (12X316), and CS 300 (12X300)	13-3973196	DYCD	(\$20,000)	260	005	
Torres	Mouse, Inc. - Council District 15	13-3973196	DYCD	\$20,000	260	005	
Torres	Mouse, Inc. - Middle School 391X (10X391), Crotona International HS (10X524), and BASE (10X264)	13-3973196	DYCD	(\$20,000)	260	005	
Torres	Mouse, Inc. - Council District 15	13-3973196	DYCD	\$20,000	260	005	
Gibson	PowerMyLearning, Inc. - Junior High School 22	13-3935309	DYCD	(\$20,000)	260	005	
Gibson	PowerMyLearning, Inc. - Bronx High School of Law Government and Justice	13-3935309	DYCD	\$20,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #9: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Ulrich	District Attorney-Queens **	13-6400434	DAQN	(\$70,000)	904	002	
Ulrich	District Attorney-Queens **	13-6400434	DAQN	\$70,000	904	001	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #10: Food Pantries Initiative - Fiscal 2020**

<b>Borough</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Brooklyn Delegation	Food Bank For New York City	13-3179546	DYCD	(\$7,469)	260	005	
Brooklyn Delegation	Food Bank For New York City - Bethlehem Baptist Church	13-3179546	DYCD	\$7,469	260	005	
Manhattan Delegation	Congregation B'nai Jeshurun - B'nai Jeshurun	13-0594858	DYCD	(\$20,000)	260	005	
Manhattan Delegation	Congregation B'nai Jeshurun Starafroler Hebria - B'nai Jeshurun	13-0594858	DYCD	\$20,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #11: Healthy Aging Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Adams	Jamaica Service Program for Older Adults (JSPOA), Inc. - Council District 28	51-0204121	DFTA	(\$20,000)	125	003	
Adams	Allen Community Senior Citizens Center, Inc. - Council District 28	11-2326244	DFTA	\$20,000	125	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #12: Neighborhood Development Grant Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Holden	Greater Ridgewood Restoration Corporation **	11-2382250	DYCD	(\$20,000)	260	005	
Holden	Greater Ridgewood Restoration Corporation **	11-2382250	SBS	\$20,000	801	002	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #13: Parks Equity Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Van Bramer	Citizens Committee for New York City, Inc. **	51-0171818	DPR	(\$10,000)	846	006	
Van Bramer	Citizens Committee for New York City, Inc. **	51-0171818	DYCD	\$10,000	260	005	
Menchaca	Council on the Environment, Inc. - Grow NYC **	13-2765465	DPR	(\$10,000)	846	006	
Menchaca	Council on the Environment, Inc. - Grow NYC **	13-2765465	DYCD	\$10,000	260	005	
Levine	Washington Heights and Inwood Development Corporation - Riverside Oval	13-2950346	DPR	(\$10,000)	846	006	
Levine	Department of Parks and Recreation - Riverside Oval	13-6400434	DPR	\$10,000	846	006	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

## CHART #14: SU-CASA - Fiscal 2020

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Cultural Affairs	13-6400434	DCLA	(\$75,000)	126	003	
Chin	Dance Works, Inc. - City Hall Neighborhood Senior Center	23-7426261	DCLA	\$15,000	126	003	
Rosenthal	Doing Art Together, Inc. - JASA Club 76	13-3363579	DCLA	\$15,000	126	003	
Eugene	Cultural Museum of African Art, Inc. - The Eric Edwards Collection - Fenimore Senior Center	90-0907203	DCLA	\$15,000	126	003	
Powers	Cumbe: Center for African and Diaspora Dance, Inc. - Sirovich Senior Center	47-5039336	DCLA	\$15,000	126	003	
Barron	Cultural Museum of African Art, Inc. - The Eric Edwards Collection - Rosetta Gaston Senior Center	90-0907203	DCLA	\$15,000	126	003	
Rodriguez	Horticultural Society of New York, The - ARC XVI Ft Washington Sr Ctr	13-0854930	DCLA	(\$15,000)	126	003	
Rodriguez	Horticultural Society of New York, The - Washington Heights Neighborhood SR CTR	13-0854930	DCLA	\$15,000	126	003	
Moya	Loisaida, Inc. - Elmcors Golden Phoenix Club One	13-3023183	DCLA	(\$15,000)	126	003	
Moya	Spanish Dance Arts Company - Elmcors Golden Phoenix Club One	13-3286419	DCLA	\$15,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART #15: Support Our Seniors - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
King	Regional Aid for Interim Needs, Inc. - Eastchester Senior Center	13-6213586	DFTA	(\$10,000)	125	003	
King	Regional Aid for Interim Needs, Inc. - Boston East NSC	13-6213586	DFTA	\$10,000	125	003	
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development - Vandalia, Penn Wortman and Abe Stark, JASA Scheuer House of Coney Island	11-3199040	DFTA	(\$60,000)	125	003	
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development - Vandalia, Penn Wortman and Abe Stark	11-3199040	DFTA	\$60,000	125	003	
Adams	Jamaica Service Program for Older Adults (JSPOA), Inc. - Rockaway Blvd Center	51-0204121	DFTA	(\$10,000)	125	003	
Adams	Allen Community Senior Citizens Center, Inc. - Rockaway Blvd Center	11-2326244	DFTA	\$10,000	125	003	
Miller	Jamaica Service Program for Older Adults (JSPOA), Inc.	51-0204121	DFTA	(\$20,000)	125	003	
Miller	Allen Community Senior Citizens Center, Inc.	11-2326244	DFTA	\$20,000	125	003	
Richards	Jamaica Service Program for Older Adults (JSPOA), Inc.	51-0204121	DFTA	(\$10,000)	125	003	
Richards	Allen Community Senior Citizens Center, Inc.	11-2326244	DFTA	\$10,000	125	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #16: Educational Programs for Students - Fiscal 2020**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
National Association for the Advancement of Colored People, The	91-2082874	DOE	(\$1,000,000)	040	402	*
Department of Education	13-6400434	DOE	\$1,000,000	040	402	
United Federation of Teachers Educational Foundation, Inc. **	13-9226721	DOE	\$82,500	040	402	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #17: Support for Educators - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
United Federation of Teachers Educational Foundation, Inc. **	13-9226721	DOE	\$32,000	040	402	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect.

**CHART #18: Work-Based Learning Internships - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Education **	13-6400434	DOE	(\$114,500)	040	401	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect.

**CHART #19: Public Health Funding Backfill - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Health and Mental Hygiene	13-6400434	DHMH	(\$37,513)	816	112	
Department of Health and Mental Hygiene	13-6400434	DHMH	(\$97,504)	816	113	
Department of Health and Mental Hygiene	13-6400434	DHMH	(\$262,109)	816	114	
Department of Health and Mental Hygiene	13-6400434	DHMH	(\$307,781)	816	117	
Department of Health and Mental Hygiene	13-6400434	DHMH	(\$7,500)	816	113	
Community Service Society of New York **	13-5562202	DHMH	\$57,250	816	117	
Council of Peoples Organization, Inc. **	75-3046891	DHMH	\$13,608	816	117	
Jewish Community Center of Staten Island, Inc. **	13-5562256	DHMH	\$4,858	816	117	
Jewish Community Council of the Rockaway Peninsula, Inc. **	11-2425813	DHMH	\$9,226	816	117	
Korean Community Services of Metropolitan New York, Inc. **	23-7348989	DHMH	\$9,226	816	117	
Long Island Gay and Lesbian Youth, Inc. **	11-3192966	DHMH	\$13,608	816	117	
Make the Road New York **	11-3344389	DHMH	\$4,858	816	117	
Northern Manhattan Improvement Corporation **	13-2972415	DHMH	\$17,976	816	117	
Northern Manhattan Perinatal Partnership, Inc. **	13-3782555	DHMH	\$4,858	816	117	
Polonians Organized to Minister to Our Community, Inc. **	11-2594500	DHMH	\$4,858	816	117	
South Asian Council for Social Services **	11-3632920	DHMH	\$4,858	816	117	
Urban Justice Center **	13-3442022	DHMH	\$4,858	816	117	
Women's Housing and Economic Development Corporation (WHEDco) **	11-3099604	DHMH	\$4,858	816	117	
Health + Hospitals **	13-2655001	DHMH	\$13,470	816	112	
Health + Hospitals **	13-2655001	DHMH	\$30,000	816	112	
Health + Hospitals **	13-2655001	DHMH	\$13,500	816	112	
Health + Hospitals **	13-2655001	DHMH	\$13,470	816	112	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect.

**CHART #20: Bridge Program for Workforce Development - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Goodwill Industries of Greater New York and Northern New Jersey, Inc.	13-1641068	DSS/HRA	\$1,000,000	069	103	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #21: Coalition Theaters of Color - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Kinding Sindaw Heritage Foundation, Inc. ***	47-2655890	DYCD	(\$20,000)	260	005	
Kinding Sindaw Heritage Foundation, Inc. ***	47-2655890	DCLA	\$20,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART #22: Art a Catalyst for Change - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Man Up, Inc. - High School for Civil Rights (Thomas Jefferson HS Campus) (Brooklyn School) **	03-0553092	DCLA	(\$18,000)	126	003	
Man Up, Inc. - High School for Civil Rights (Thomas Jefferson HS Campus) (Brooklyn School) **	03-0553092	DYCD	\$18,000	260	005	
Man Up, Inc. - Junior High School 292K **	03-0553092	DCLA	(\$18,000)	126	003	
Man Up, Inc. - Junior High School 292K **	03-0553092	DYCD	\$18,000	260	005	
Man Up, Inc. - Van Siclen Community School (Brooklyn School) **	03-0553092	DCLA	(\$18,000)	126	003	
Man Up, Inc. - Van Siclen Community School (Brooklyn School) **	03-0553092	DYCD	\$18,000	260	005	
ENACT, Inc. - Academy for Language and Tech	13-3422660	DCLA	(\$18,000)	126	003	
Midori Foundation, Inc. - Public School 279 Captain Manuel Rivera, Jr. (10X279)	13-3682472	DCLA	\$18,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART #23: Senior Centers, Programs, and Enhancements - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Jamaica Service Program for Older Adults (JSPOA), Inc.	51-0204121	DFTA	(\$10,000)	125	003	
Allen Community Senior Citizens Center, Inc.	11-2326244	DFTA	\$10,000	125	003	
Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	\$43,000	125	003	
Selfhelp Community Services, Inc. - Austin Street Senior Center	13-1624178	DFTA	\$25,000	125	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #24: Census 2020 Outreach Initiative - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
NAACP New York State Conference **	13-1084135	DYCD	(\$160,000)	260	005	
City University of New York - Medgar Evers College - Law and Social Justice Racial Justice Advocates Project **	13-3893536	CUNY	\$160,000	042	001	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #25: Cure Hate Initiative - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Metropolitan New York Coordinating Council on Jewish Poverty, Inc. **	13-2738818	MOCJ	\$125,000	098	002	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #26: Social and Emotional Supports for Students - Fiscal 2020**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Fund for the City of New York, Inc. - ENACT **	13-2612524	DOE	(\$279,225)	040	454	
Research Foundation of the City University of New York - CUNY Creative Arts Team **	13-1988190	DOE	\$237,500	040	454	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #27: Local Initiatives - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
CD37	St. Peter's Evangelical Lutheran Church	11-1797192	DYCD	(\$20,000)	260	312	
CD37	St Peters Evangelical Lutheran Church in the Borough of Brooklyn City of New York	11-1797192	DYCD	\$20,000	260	312	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #28: Youth Discretionary - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Lancman	Cultural Collaborative Jamaica, Inc.	11-3635991	DYCD	(\$5,000)	260	312	
Lancman	Young Israel of Jamaica Estates	11-2518593	DYCD	\$5,000	260	312	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #29: Youth Discretionary - Fiscal 2018**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Lancman	Cultural Collaborative Jamaica, Inc.	11-3635991	DYCD	(\$5,000)	260	312	
Lancman	Queens Community House, Inc.	11-2375583	DYCD	\$5,000	260	312	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #30: Cultural After-School Adventure (CASA) Initiative - Fiscal 2018**

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A	*
Chin	South Street Seaport Museum Foundation	13-2596500	DCLA	(\$20,000)	126	003	
Chin	Seaport Museum New York	13-2596500	DCLA	\$20,000	126	003	
Chin	South Street Seaport Museum Foundation	13-2596500	DCLA	(\$20,000)	126	003	
Chin	Seaport Museum New York	13-2596500	DCLA	\$20,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART #31: Purpose of Funds Changes - Fiscal 2020**

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Youth	Lander	Wellness in the Schools, Inc.	25-1919494	DYCD	(\$3,500)	Funding to support CookCamp professional training program and to support implementation of Alternative Menu program.	
Youth	Lander	Wellness in the Schools, Inc.	25-1919494	DYCD	\$3,500	Funding will support the Cook Camp and Cook for Kids Program.	
Speaker's Initiative		Publicolor, Inc.	13-3912768	DCLA	(\$50,000)	To transform the exterior wall, bleachers, locker rooms, at VCP pool.	
Speaker's Initiative		Publicolor, Inc.	13-3912768	DCLA	\$50,000	Funds for painting the bleachers at VCP pool and other community site(s) in the Bronx.	
Local	Speaker	Business Outreach Center Network, Inc.	11-3306111	SBS	(\$50,000)	To provide for the start-up of 36 new worker cooperative small businesses, with positions for 140 new worker-owners, assist existing cooperatives through 1,365 service requests, and outreach to 1,749 cooperative workers.	
Local	Speaker	Business Outreach Center Network, Inc.	11-3306111	SBS	\$50,000	To support the provision of financial education, business planning, marketing and financing workshops, coupled with one-on-one counseling and BOC Network's Child Care Business Development Project.	
Local	Eugene	PLG Arts, Inc.	20-5947444	DYCD	(\$6,000)	Funding to support concert series of jazz and chamber music, a Meet-the-Author series, and community- based theater productions, visual arts exhibits and a new community ArtWalk/gallery tour and performances at Parkside Plaza.	
Local	Eugene	PLG Arts, Inc.	20-5947444	DYCD	\$6,000	Funding for the organization to pay musical contractors and musicians who perform at free events they produce for residents in the community of Prospect-Lefferts Gardens.	
Youth	Levin	St. Vincent's Services, Inc.	11-1631823	DYCD	(\$3,500)	To support services guiding foster youth towards permanency and sustainable living.	
Youth	Levin	St. Vincent's Services, Inc.	11-1631823	DYCD	\$3,500	Funding support for multi-sensory learning environments in the Wyckoff Gardens Cornerstone program.	
Anti-Poverty	Richards	Rockaway Youth Task Force, Inc.	45-4926515	DYCD	(\$10,000)	Funds will be used to empower and support youth through community development, grassroots organizing and advocacy, civic engagement and volunteer opportunities.	*
Anti-Poverty	Richards	Rockaway Youth Task Force, Inc.	45-4926515	DYCD	\$10,000	The funding will be used to fund the Rockaway Youth Task Force's 10-week introductory program C.O.R.E, Community Organizing and Resistance Education, which offers youth a detailed history of racial inequality locally and nationally, as well as key movements and organizing strategies for change. CORE is delivered three times per year for up to 40 youth each cycle, and teaches critical skills such as advocacy campaign creation, base-building, how local and national governing bodies operate, the structure of local school systems, voting rights and registration, and a wide range of tactics and activities for change.	*
Local	Richards	Rockaway Youth Task Force, Inc.	45-4926515	DYCD	(\$5,000)	Funds will be used to empower and support youth through community development, grassroots organizing and advocacy, civic engagement and volunteer opportunities.	*

Local	Richards	Rockaway Youth Task Force, Inc.	45-4926515	DYCD	\$5,000	The funding will be used to fund the Rockaway Youth Task Force's Youth Organizing program, the Rockaway Advocacy Project (RAP). Youth meet weekly and engage their fellow students, neighbors, families, community and faith organizations, elected officials, police, and businesses in targeted campaigns in four key areas: educational justice reform, criminal justice reform, civic engagement, and food justice and access.	*
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\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #31: Purpose of Funds Changes - Fiscal 2020 (continued)**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Boroughwide Needs Initiative	Brooklyn Delegation	Brighton Beach District Management Association	11-2843233	SBS	(\$5,000)	Showcase culture and products of various ethnic and cultural groups through various events, sensitive programs and children festival.	
Boroughwide Needs Initiative	Brooklyn Delegation	Brighton Beach District Management Association	11-2843233	SBS	\$5,000	Funding to support neighborhood activities; including workshops and outdoor events showcasing culture and products of various ethnic groups, and children's festival.	
Speaker's Initiative		St. Nick's Alliance Corporation	51-0192170	DYCD	(\$400,000)	Funds will be used to support workforce development programming.	
Speaker's Initiative		St. Nick's Alliance Corporation	51-0192170	DYCD	\$400,000	Funds will be used to support workforce development and youth programming.	
Local	Matteo	New York Center for Interpersonal Development, Inc.	23-7085239	DYCD	(\$2,000)	Funds will be used to support after-school and summer camp services.	
Local	Matteo	New York Center for Interpersonal Development, Inc.	23-7085239	DYCD	\$2,000	After school program that services students from 5-12 years old M-F, students have a snack, do their homework for one hour, engage in enrichment activities such as STEM/ Leadership/ ART for 1 hour and have a recreational (sports, physical fitness) 1 hour period.	
Speaker's Initiative		Queens Lesbian and Gay Pride Committee, Inc.	11-3146598	DYCD	(\$65,000)	To support the annual Queens Pride Parade and Festival.	
Speaker's Initiative		Queens Lesbian and Gay Pride Committee, Inc.	11-3146598	DYCD	\$65,000	Funds are to be used for salary, subcontractors and other related expenses incurred in producing the Queens Pride Parade and Festival.	
Youth	Ayala	Door - A Center of Alternatives, Inc., The	13-6127348	DYCD	(\$10,000)	To provide funding for ESOL classes at The Door's Bronx Youth Center.	
Youth	Ayala	Door - A Center of Alternatives, Inc., The	13-6127348	DYCD	\$10,000	To provide support for operations and overall programming at The Door's Bronx Youth Center.	
Youth	Brannan	Salvation Army, The - Bay Ridge Basketball League	13-5562351	DYCD	(\$10,000)	Funding to operate a character-building basketball league for male teenagers and young adults in Council District 43.	
Youth	Brannan	Salvation Army, The - Bay Ridge Basketball League	13-5562351	DYCD	\$10,000	Providing children Grades 1-5 with sports and arts activities.	
Local	Menchaca	Southwest Brooklyn Industrial Development Corporation	11-2508370	DYCD	(\$13,500)	Funds will be used for CBA coalition cost.	
Local	Menchaca	Southwest Brooklyn Industrial Development Corporation	11-2508370	DYCD	\$13,500	To support formation of a coalition of community based organizations and service providers in District 38 to explore a community benefits agreement with Industry City. Services and supplies for public events and outreach.	
NYC Cleanup	Cohen	Department of Sanitation	13-6400434	DSNY	(\$70,000)	NYC Cleanup promotes cleaner streets in New York City by providing each City Council district with an allocation of \$260,000 to fund cleaning services including, but not limited to, street sweeping, litter pickup, and graffiti removal.	

NYC Cleanup	Cohen	Department of Sanitation	13-6400434	DSNY	\$70,000	Funding will be to add extra 8 hour basket truck on Sundays for 39 weeks in Council District 11.
NYC Cleanup	Cohen	Department of Parks and Recreation	13-6400434	DPR	(\$40,000)	NYC Cleanup promotes cleaner streets in New York City by providing each City Council district with an allocation of \$260,000 to fund cleaning services including, but not limited to, street sweeping, litter pickup, and graffiti removal.
NYC Cleanup	Cohen	Department of Parks and Recreation	13-6400434	DPR	\$40,000	Funding will be to install treegurads in Council District 11.
Youth	Perkins	Publicolor, Inc.	13-3912768	DYCD	(\$20,000)	Funding to support the Wadleigh Secondary School Paint Club.
Youth	Perkins	Publicolor, Inc.	13-3912768	DYCD	\$20,000	Funding for Publicolor's Next Steps program.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M-225

**Report of the Committee on Finance in favor of a Resolution approving The Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which the annexed preconsidered Council Operating Budget communication was referred on February 27, 2020 and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(The following is the text of a Memo to the Finance Committee from the Fiscal Officer of the New York City Council:)**

February 27, 2020

TO: Honorable Corey Johnson  
Speaker  
  
Honorable Daniel Dromm  
Chairperson, Finance Committee

FROM: Marcello Testa  
Fiscal Officer

**SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

**Preconsidered (M-225) The Operating Budget of the Council of The City of New York**  
**Preconsidered (M-226) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York**

**INITIATION:** Pursuant to section 243 of the New York City Charter, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document

presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included is a resolution for the approval of a lump-sum OTPS unit of appropriation.

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1261

**RESOLUTION APPROVING THE FISCAL YEAR 2020 OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK.**

**Resolved:** By the Council of the City of New York, pursuant to the provisions of section 243 of the New York City Charter that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

**ATTACHMENT:**

Summary:

Under the City Charter, the City Council is authorized to structure its own budget. This budget must be presented to the Mayor, for inclusion in the Executive Budget, after the Council approves it.

The Council's staff is described through divisions within three units of appropriation: Council Members and their aides, Committee Staffing, and Council Services. These and the standing committees each have a U/A for PS. OTPS is divided into the following categories: members, central staff, and each standing committee. A separate resolution approving the central staff's lump sum unit of appropriation is attached for Council approval pursuant to Section 100 (c) of the Charter.

Council Member office budgets are funded in U/A 001 object 021 (PS) and U/A 100 objects 400 and 414 (OTPS). Funds allocated for each Member's budget total \$561,000.

Staff from the Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, and Human Services divisions are specifically assigned to each committee and subcommittee. These analysts and attorneys in turn are supported by the Administrative Services Division, which functions as the central administration.

**Staffs from the following Divisions are assigned to these Committees and Subcommittees:**

**Finance**

- ❖ Finance
- ❖ Capital Budget (Subcommittee)

**Land Use**

- ❖ Land Use
- ❖ Landmarks, Public Siting & Dispositions (Subcommittee)
- ❖ Zoning & Franchises (Subcommittee)

**General Counsel**

- ❖ Rules, Privileges & Elections
- ❖ Standards & Ethics

**Governmental Affairs**

- ❖ Civil & Human Rights
- ❖ Consumer Affairs & Business Licensing
- ❖ Contracts
- ❖ Criminal Justice
- ❖ Fire & Emergency Management
- ❖ General Welfare
- ❖ Governmental Operations
- ❖ Immigration
- ❖ Justice System
- ❖ Juvenile Justice
- ❖ Oversight & Investigations
- ❖ Public Safety
- ❖ State & Federal Legislation

**Human Services**

- ❖ Aging
- ❖ Civil Services & Labor
- ❖ Cultural Affairs, Libraries & International Intergroup Relations
- ❖ Education
- ❖ Health
- ❖ Higher Education
- ❖ Hospitals
- ❖ Mental Health, Disabilities and Addiction
- ❖ Small Business
- ❖ Transportation
- ❖ Veterans
- ❖ Women and Gender Equity
- ❖ Youth Services

**Infrastructure**

- ❖ Economic Development
- ❖ Environmental Protection
- ❖ Housing & Buildings
- ❖ Parks & Recreation
- ❖ Public Housing
- ❖ Resiliency & Waterfronts
- ❖ Sanitation & Solid Waste Management
- ❖ Technology

**Drafting**

- ❖ Responsible for drafting of legislation for the Council's Legislative Committees

## CITY COUNCIL BUDGET

### Function:

The New York City Council is the legislative branch of city government. Council members are elected every four years and each represents a district of approximately 160,000 people.

The Council is an equal partner with the Mayor in the governing of New York City. The Council monitors the operation and performance of city agencies. It has sole responsibility for analyzing and approving the city's budget which sets spending priorities and has decision-making powers over major land use issues. It is the city's lawmaking body.

The allocations of funds made through this Resolution are based on current projections and information available. Final allocations may vary from those anticipated in this Resolution, subject to the discretion of the Speaker.

**(For the entire text of the Operating Budget Report, please refer to the City Council website at <http://council.nyc.gov> for the Operating Budget attachment to [Res. No. 1261 of 2020](#); please also refer to Res No. 1262 following the Report for the Committee on Finance for M-226 printed below)**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).



At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M-226

**Report of the Committee on Finance in favor of a Resolution approving a Schedule detailing the lump sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which the annexed preconsidered Council Operating Budget communication was referred on February 27, 2020 and which same item was coupled with the resolution shown below, respectfully

**(For text of the Memo and related material, please see the respective attachments to Res. Nos. 1261 and 1262 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1262

**RESOLUTION APPROVING FOR FISCAL YEAR 2021 THE SCHEDULE DETAILING THE LUMP SUM OTHER THAN PERSONAL SERVICES UNIT OF APPROPRIATION OF THE OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK.**

By Council Member Dromm.

**Resolved** by the Council, pursuant to the provisions of section 100 (c) of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

**COUNCIL BUDGET**

<b>PS</b>	<b>DESCRIPTION</b>	<b>MEMO OTPS*</b>
U/A		
002	COMMITTEE STAFFING	\$9,850,310
005	COUNCIL SERVICES	\$6,254,165
	<b>TOTAL OTPS</b>	<b>\$16,104,475</b>

\*Set forth for informational purposes only in accordance with Charter Section 100 (c)

\*See page 8, City Council Fiscal Year 2020 OTPS Detail

**ATTACHMENT:**

**(For the entire text of the Operating Budget Report, especially the material that deals with the OTPS Lump Sum Schedule, please refer to the City Council website at <http://council.nyc.gov> for the Operating Budget attachment to [Res No. 1261 of 2020](#) )**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M-227

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2020 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-3).**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 27, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on February 27, 2020, the Committee on Finance considered a communication, dated February 26, 2020, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “1” (the “modification” or “MN-3”), to modify units of appropriation and transfer City funds between various agencies in the amount of \$749,226,197 in the Fiscal 2020 expense budget as adopted by the Council on June 19, 2019.

Analysis. The Council annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for Fiscal 2020 (the “Fiscal 2020 Expense Budget”). This Modification reallocates appropriations in the amount of \$749,226,197 that were reflected in the Fiscal 2020 Expense Budget to implement changes reflected in the January Financial Plan and to fund City Council initiatives and other discretionary programs. The net effect of the modification is zero.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed

action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

**(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)**

TO: Honorable Corey Johnson  
Speaker

Honorable Daniel Dromm  
Chair, Finance Committee

FROM: Latonia R. McKinney, Director  
Ray Majewski, Deputy Director/Chief Economist  
Paul Scimone, Deputy Director  
Regina Poreda Ryan, Deputy Director  
Nathan Toth, Deputy Director  
Rebecca Chasan, Senior Counsel  
Stephanie Ruiz, Assistant Counsel

DATE: February 27, 2020

SUBJECT: A budget modification (MN-3) for Fiscal Year 2020 to implement changes in the City's expense budget.

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INITIATION: By letter dated February 26, 2020, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds between various agencies in the amount of \$749,226,197 to implement changes in the City's expense budget.

BACKGROUND: MN-3 reallocates appropriations that were reflected in the Fiscal 2020 Adopted Budget to implement expense budget changes which were reflected in the January Financial Plan and to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-3 represents the reallocation of appropriations. The net effect of this modification is zero.

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1263

**RESOLUTION APPROVING THE MODIFICATION (MN-3) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.**

By Council Member Dromm.

**Whereas**, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on February 27, 2020, the Committee on Finance considered a communication, dated February 26, 2020, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit 1 (the “Modification”), to modify units of appropriation and transfer city funds in the amount of \$749,226,197 in the Fiscal 2020 expense budget as adopted by the Council on June 19, 2019, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

**Whereas**, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

**NOW, THEREFORE**, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

**EXHIBIT 1: [MN-3](#)**

(Please see the New York City Council website at <https://council.nyc.gov/> for the MN-3 and Appendix A attachments to [M-227](#) & [Res. No. 1263 of 2020](#) found in the attachments section of the respective legislative file web page)

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption

Report for M-228

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget – Appropriation of new City revenues in Fiscal Year 2020, pursuant to Section 107(e) of the New York City Charter (MN-4).**

The Committee on Finance, to which the annexed Land Use item was referred on February 27, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

Introduction. At the meeting of the Committee on Finance of the City Council on February 27, 2020, the Council considered a communication from the Office of Management and Budget of the Mayor, dated February 26, 2020, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2020 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of February 26, 2020.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 (the "Fiscal 2020 Expense Budget"). On December 19, 2019, the Council adopted MN-1, modifying the Fiscal 2020 Expense Budget, and MN-2, which appropriated new revenues. On February 26, 2020, the Mayor submitted to the Council MN-3, modifying the Fiscal 2020 Expense Budget. On February 26, 2020, the Mayor submitted to the Council a revenue estimate MN-4, related to the Fiscal 2020 Expense Budget.

Circumstances have changed since the Council adopted the Fiscal 2020 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2020 Expense Budget and related revenue estimate requested in the communication.

This modification (MN-4) seeks to increase revenues in the net amount of \$677.6 million compared to the most recent Revenue Budget Modification (MN-2). This represents an increase in City funds of approximately 1.0 percent.

MN-4 is the second revenue modification of Fiscal 2020 and it reflects changes since the November 2019 Financial Plan.

MN-4 recognizes \$677.6 million in increased revenues, including \$448.7 million in tax revenue, \$118.1 million in miscellaneous revenue, and \$110.8 million in unrestricted intergovernmental aid.

Tax revenues increased by \$448.7 million since the November 2019 Financial Plan. The majority of the increase, \$297 million, came from general corporation tax collections, which benefited from strong corporate profits. Additional tax revenues included \$118 in personal income tax and \$63 million in sales tax. Offsetting these increases was \$120 in reduced revenues from the real property transfer.

Miscellaneous revenues increased by \$118.1 million since the November 2019 Financial Plan. This included \$51.9 million in water sewage charges and \$47.5 in Fines and Forfeitures.

Unrestricted intergovernmental aid increased by \$110.8 million since the November 2019 Financial Plan.

This budget modification adds \$2.17 billion to the Budget Stabilization Account, which will prepay debt service for Fiscal 2021. This addition is funded by the \$677.6 million increase in revenues, \$400 million in Prior Year Payables, an \$850 million reduction of the General Reserves, and other resources.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2020 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

**(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)**

TO: Honorable Corey Johnson  
Speaker

Honorable Daniel Dromm  
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division  
Raymond Majewski, Deputy Director/Chief Economist, Finance Division  
Rebecca Chasan, Senior Counsel  
Nashia Roman, Economist

DATE: February 26, 2020

SUBJECT: A Budget Modification (MN-4) for Fiscal 2020 that will appropriate \$677.6 million in new revenues.

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INITIATION: By letter dated February 26, 2020, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$677.6 million in new revenues. These new revenues, combined with additional resources of \$400 million of Prior Year Payables, an adjustment to the General Reserve, plus other resources, will be used for prepayments of \$2.17 billion to increase the Budget Stabilization Account.

BACKGROUND: This modification (MN-4) seeks to recognize \$677.6 million in new revenues, and combines \$400 million of Prior Year Payables, \$850 million from the General Reserve, and other resources, implementing changes reflected in the February 2020 Financial Plan. Of these funds, the total amount of \$2.17 billion is added to the Budget Stabilization Account, which will prepay debt service for Fiscal 2021.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2020 budget of \$677.6 million.

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1264

**RESOLUTION APPROVING A MODIFICATION (MN-4) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.**

By Council Member Dromm.

**Whereas**, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on February 27, 2020, the Committee on Finance considered a communication, dated February 26, 2020, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

**Whereas**, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

**Whereas**, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

**NOW, THEREFORE**, The Council of the City of New York hereby resolves as follows:

**1. Approval of Modification.** The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

**2. Further Actions.** The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2020 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

**3. Effective Date.** This resolution shall take effect as of the date hereof.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Council of the City of New York on February 27, 2020 on file in this office.

**EXHIBIT: [MN-4](#)**

**(Please see the New York City Council website at <https://council.nyc.gov/> for the MN-4 attachment to M-228 & [Res. No. 1264 of 2020](#) found in the attachments section of the respective legislative file web page)**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report of the Committee on Housing and Buildings

Report for Int. No. 1816-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and incorporate therein provisions of the NYStretch energy code-2020, and to repeal section 28-1001.2 of such administrative code relating to such conforming amendments.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on December 10, 2019 (Minutes, page 4376), respectfully

### REPORTS:

#### Introduction

On February 26, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will hold a hearing on Int. No. 1816-A, which was first heard on January 27, 2020. More information about this bill, along with the materials for that hearing, can be found at <https://on.nyc.gov/2SIhl3a>.

#### Energy Code Revision Process

The development of the New York City Energy Conservation Code (NYCECC) was supported by two advisory committees convened by the New York City Department of Buildings (DOB): a commercial committee and a residential committee.<sup>1</sup> These committees included registered design professionals and environmental advocates who were knowledgeable about energy efficiency and conservation issues,<sup>2</sup> as well as representatives from the construction and real estate industries and labor organizations.<sup>3</sup> Recommendations or findings of the advisory committees are non-binding and do not require consensus among all participants, but are approved by the Commissioner and submitted via legislation to the Council.<sup>4</sup>

#### Int. No. 1816-A

Int. No. 1816-A would update the NYCECC. Local Law 85 of 2009 established the NYCECC. The last revision to the NYCECC went into effect on October 3, 2016. The purpose of this current revision to the NYCCEC is to bring it up to date with the 2020 Energy Conservation Code of New York State (ECCNY), which is based on the 2018 edition of the International Energy Conservation Code and the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2016. This revision will also align the NYCECC with the New York State Energy Research and Development Authority NYStretch Energy Code – 2020 as required by Local Law 32 of 2018. The 2020 NYCECC must have the same effective date as the 2020 ECCNY.<sup>5</sup> The 2020 ECCNY takes effect on May 12, 2020. In addition, the NYCECC must be more stringent than the ECCNY.<sup>6</sup>

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<sup>1</sup> Admin Code § 28-1001.3.2

<sup>2</sup> *Id.*

<sup>3</sup> 2018 ENERGY CODE REVISION HANDBOOK, (“2018 Handbook”)

[https://www1.nyc.gov/assets/buildings/pdf/energy\\_code\\_revision\\_handbook\\_2018.pdf](https://www1.nyc.gov/assets/buildings/pdf/energy_code_revision_handbook_2018.pdf) at 5.

<sup>4</sup> *Id.* at 7.

<sup>5</sup> New York City Department of Buildings, BUILDINGS BULLETIN 2020-002,

[https://www1.nyc.gov/assets/buildings/bldgs\\_bulletins/bb\\_2020-002.pdf](https://www1.nyc.gov/assets/buildings/bldgs_bulletins/bb_2020-002.pdf)

<sup>6</sup> Energy Law § 11-109



Int. No. 1816-A includes various technical and substantive New York City specific-amendments to the ECCNY and to the ASHRAE energy standards, which comprise the NYCECC.<sup>7</sup> The most significant amendments are as follows:

#### **Adopted from the NYStretch Energy Code – 2020**

- **C402.2.9 Continuous Insulation.** This section requires that new buildings designed with balconies or parapets be encapsulated with code minimum insulation or designed in a way that incorporates thermal breaks into the design. This requirement is not mandatory but can be traded for higher insulation areas in other parts of the building.
- **Tables C405.3.2(1), C405.3.2(2) Interior Lighting Power Allowances.** This section requires the reduction of interior lighting power density and the use of efficient lighting. Reduction of interior lighting power density can be achieved using LED technology. Lighting power density is a screening measure that determines whether a space permits opportunities to save energy.<sup>8</sup>
- **C408.2 Mechanical Systems and Service Water-Heating System Commissioning.** The 2014 NYCECC required that commissioning, which is a quality control process ensuring that mechanical and service water heating systems are functioning as required, occur for all newly installed heating, cooling, refrigeration, or service hot water equipment when this equipment exceeds a certain capacity threshold. This change exempts from the commissioning requirement the following: renewable energy systems that have a generating capacity of less than 25kW and mechanical systems and service water heaters in new buildings, or newly altered buildings, where the total mechanical equipment capacity being installed, or the total mechanical equipment connected load serving the alteration space, has a cooling capacity that is less than 480,000 Btu/h, and a combined service water-heating and space-heating capacity of 600,000 Btu/h.
- **C408.4 Air Barrier Commissioning.** Air leakage occurs when outside air enters a space and cooled or heated air leaves such space, resulting in increased heating and cooling costs. This section requires that new buildings that are 10,000 square feet or greater, must demonstrate compliance with either whole building air leakage testing or an Air Barrier Continuity Plan.
- **R403.6.2 Balanced Ventilation and Energy or Heat Recovery Ventilation System (ERV/HRV).** This change requires one and two family homes, as well as multifamily buildings with three or fewer stories, provide a designed ventilation system that either incorporates an energy or heat recovery ventilation system in which the exhaust air is used to pre-heat or cool incoming outdoor ventilation air, or a balance ventilation system that provides air when the exhaust fans are in operation.
- **R403.5.5 Supply of Heated Water.** This section mandates new requirements for the design of distribution piping of service hot water. The design must incorporate one of the following requirements: (1) set a maximum length of pipe from hot water tank to fixture; (2) set a maximum volume of water inside the pipe; (3) provide at least one shower drain with a heat exchanger that can be used to recover heat from waste hot water that can be used to preheat hot water; or (4) install an occupancy-sensor based recirculation system with not more than one half of a gallon of water storage.

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<sup>7</sup> Developers and owners of commercial buildings may elect to follow either the State Energy Code (or, in New York City, the City's local energy code) or ASHRAE 90.1 (Energy Standard for Buildings Except Low-Rise Residential Buildings). References to "ASHRAE" in this Committee Report are to ASHRAE 90.1-2013.

<sup>8</sup>MULTIFAMILY PERFORMANCE PROGRAM, <https://www.taitem.com/wp-content/uploads/2011/01/TT-EB-Lighting-Power-Density-2009-10-8-final2.pdf>

- **R404.3 Electric Vehicle Service Equipment Capable.** This section requires the installation of infrastructure in parking areas in new constructions that can be adapted to provide for the future installation of electric vehicle charging stations.
- **R404.1 Lighting Equipment.** This section increases the interior high efficacy lighting requirements from 75% high efficacy lighting to 90% high efficacy lighting. This may require the use of LED lighting or ENERGY STAR-rated light fixtures.
- **9.ASHRAE 90.1 Section 5.2.3 Additional Requirements to Comply with Section 11 and Appendix G.** This section sets minimum wall performance based on insulation, fenestration performance, and fenestration area for projects that are greater than 25,000 square feet and that choose to comply with the NYCECC via energy modeling. Energy modeling is a performance-based approach that applies to the entire building, and that allows designers to forego certain code requirements so long as they can demonstrate that the building would use no more energy than a building of the same size that complied with the code requirements.
- **ASHRAE 90.1 Section 4.2.1.1 Performance Source Energy Index Method.** Where a designer chooses to comply with energy modeling, the designer can comply with such modeling using either source energy or energy cost. Source energy is the amount of energy that is expended to generate the energy consumed on a building site.

#### Adopted from NYC Energy Code Advisory Committee

- **Table C402.1.4 Fenestration U-factors.** Fenestration is a term that refers to the openings in a building envelope, including windows, doors and skylights.<sup>9</sup> This section sets a more stringent requirement for windows installed below 95 feet, adds more stringent requirements for windows with non-metal framing, and improves fenestration performance for all vertical fenestration categories.
- **C402.1.4.2 Default Spandrel Values.** This section assigns a default U-factor for different types of spandrel assemblies. Spandrels, which describe the space between the top of a window on one story and the sill of the window in the story above that window,<sup>10</sup> are commonly found in New York City. A U-factor is the rate of heat loss assigned to a window assembly.<sup>11</sup>
- **C402.5.1.3 Air barrier testing.** Air barrier testing attempts to locate and isolate parts of a building's envelope that allows air to escape and permeate the envelope.<sup>12</sup> Air barrier testing is important because it ensures that outside air is not entering the building through gaps in the building's envelope.<sup>13</sup> This section mandates air barrier testing for buildings that are over 10,000 square feet.
- **R402.6 & C402.6 Thermal Bridges.** A thermal bridge is a space in a building where there is a weak link in the building's envelope, interrupting thermal insulation, and causing heat loss.<sup>14</sup> This section requires that a building's construction documents identify thermal bridges.

This local law would take effect on May 12, 2020.

<sup>9</sup> <https://energyeducation.ca/encyclopedia/Fenestration>

<sup>10</sup> ARCHITECTURAL TERMS "SPANDREL". (MORE THAN JUST SPANDREL GLASS!)

<http://www.cmswillowbrook.com/constructorknowledge/2015/2/27/architectural-terms-spandrel-more-than-just-spandrel-glass>

<sup>11</sup> Measuring Performance: U-Factor, <https://www.efficientwindows.org/ufactor.php>

<sup>12</sup> Air Barrier Testing, <https://tsienergysolutions.com/air-barrier-testing/>

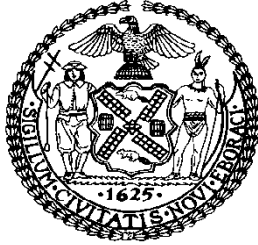
<sup>13</sup> <https://www.element.com/more-sectors/infrastructure/wall-system-and-air-barrier-testing>

<sup>14</sup> What is a thermal bridge and how can I resolve it? <https://www.energuide.be/en/questions-answers/what-is-a-thermal-bridge-and-how-can-i-resolve-it/423/>

**Update**

On Wednesday, February 26, 2020, the Committee adopted No. 1816-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1816-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1816-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and incorporate therein provisions of the NYStretch energy code-2020, and to repeal section 28-1001.2 of such administrative code relating to such conforming amendments.

**SPONSOR:** Council Member Cornegy (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill would bring the New York City Energy Conservation Code (NYCECC) up to date with the 2020 version of the New York State Energy Conservation Code (NYSECC) which goes into effect on May 12, 2020, but with local amendments, as required by Section 28-1001.3.1 the Administrative Code. This bill would also incorporate the latest version of the New York Stretch Energy Code (NYStretch) developed by the New York State Energy Research and Development Authority, as required by Local Law 32 of the year 2018.

**EFFECTIVE DATE:** This local law would take effect on May 12, 2020, and would apply to applications filed on and after such effective date and that the commissioner of buildings could promulgate rules or take other actions for the implementation of such provisions prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2021

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Luke Zangerle, Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on December 10, 2019 as Int. No. 1816 and was referred to the Committee on Housing and Buildings (Committee). The Committee held a hearing on January 27, 2020 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 1816-A, will be considered by the Committee on February 26, 2020. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on February 27, 2019.

**DATE PREPARED:** February 24, 2020.

*Accordingly, the Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1816-A:)**

## Int. No. 1816-A

By Council Member Cornegy (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and incorporate therein provisions of the NYStretch energy code-2020, and to repeal section 28-1001.2 of such administrative code relating to such conforming amendments**

*Be it enacted by the Council as follows:*

Section 1. Statement of findings and purpose. The New York State Energy Conservation Construction Code (the “New York State Energy Code”) is promulgated by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law. In accordance with Article 11, the New York City Energy Conservation Code is stricter than the New York State Energy Code. The purpose of this local law is to conform the New York City Energy Conservation Code to recent changes in the New York State Energy Code with local law amendments unique to construction in the city and local law amendments in accordance with Section 28-1001.3.3 of the administrative code relating to the NYStretch Energy Code-2020.

§ 2. The definition of “New York state energy code” in Section 28-1001.1.1 of the administrative code of the city of New York, as amended by local law number 32 for the year 2018, is amended to read as follows:

**NEW YORK STATE ENERGY CODE.** The term “New York State Energy Code” means the New York State Energy Conservation Construction Code, constituting part 1240 of title 19 of the New York codes, rules and regulations (19 NYCRR Part 1240), and the publications incorporated by reference in such part, promulgated on ~~{September 21, 2016}~~ February 12, 2020, by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law.

§ 3. Section 28-1001.2 of the administrative code of the city of New York is REPEALED and a new Section 28-1001.2 is added to read as follows:

**§ 28-1001.2 New York city amendments to the New York state energy code.** The following New York city amendments to the New York state energy code are hereby adopted as set forth in Sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3.

**§ 28-1001.2.1 New York city amendments to 19 NYCRR Part 1240.**

**1240.6 Exceptions.**

1240.6 – Delete Exception (b) in its entirety.

**§ 28-1001.2.2 New York city amendments to commercial and residential chapters of the New York state energy code.**

**Chapter 1 [CE] and Chapter 1 [RE]**

Delete Chapter R1 and Chapter C1 in their entirety and replace with a new Chapter 1 to read as follows:

## CHAPTER 1

### ADMINISTRATION

#### INTRODUCTORY STATEMENT

The New York City Energy Conservation Code (“NYCECC”) is comprised of the New York State Energy Conservation Construction Code with amendments as enacted into law by the city. Reflecting these amendments to the New York State Energy Conservation Construction Code, the NYCECC is divided into provisions relevant to commercial buildings and provisions relevant to residential buildings as follows:

1. The provisions of the NYCECC for commercial buildings are reflected in the state publications incorporated by reference in 19 NYCRR Sections 1240.3 and 1240.4, as amended by Sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the Administrative Code. Such state publications include (i) Chapters 1 [CE], 2 [CE], 3 [CE], 4 [CE], 5 [CE] and 6 [CE] of the publication entitled the 2020 Energy Conservation Construction Code of New York State (“ECCCNYS”); (ii) the October 2016 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1-2016”), as amended by 19 NYCRR Section 1240.3; and (iii) reference standards incorporated by reference in subdivision (c) of 19 NYCRR Section 1240.4.
2. The provisions of the NYCECC for residential buildings are reflected in the state publications incorporated by reference in 19 NYCRR Section 1240.5, as amended by Sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the Administrative Code. Such state publications include (i) Chapters 1 [RE], 2 [RE], 3 [RE], 4 [RE], 5 [RE] and 6 [RE] of the publication entitled the 2020 Energy Conservation Construction Code of New York State (“ECCCNYS”); and (ii) the referenced standards incorporated by reference in subdivision (b) of 19 NYCRR Section 1240.5.

### SECTION ECC 101

#### SCOPE AND GENERAL REQUIREMENTS

**101.1 General.** These provisions shall be known and cited as the “New York City Energy Conservation Code.” “NYCECC” or “ECC,” and are referred to herein as “this code.” All section numbers in this code shall be deemed to be preceded by the designation “ECC.” Administration and enforcement of this code shall be in accordance with Title 28 of the Administrative Code.

##### **101.1.1 Titles.**

The publication entitled 2020 Energy Conservation Construction Code of New York State shall be known as the “ECCCNYS.”

The 2016 edition of the Energy Standard for Buildings Except Low-Rise Residential Buildings shall be known as “ASHRAE 90.1-2016.” All references in this code to ASHRAE 90.1-2016 shall be deemed to be references to ASHRAE 90.1-2016 (AS AMENDED).

The New York State Energy Conservation Construction Code, as contained in Part 1240 of Title 19 of the New York Codes, Rules and Regulations, along with the New York City amendments to such New York State Energy Conservation Construction Code shall be known collectively as the “New York City Energy Conservation Code.”

**101.2 Scope.** This code applies to commercial buildings and residential buildings, as defined in Chapter C2 and Chapter R2 of this code, and the buildings' sites, associated systems and equipment.

**101.2.1 References.** Where reference is made within this code to the Building Code of New York State, Existing Building Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Mechanical Code of New York State, Plumbing Code of New York State, Property Maintenance Code of New York State or Residential Code of New York State, the reference shall be deemed to be to the analogous provision of the New York City Construction Codes (Title 28 of the Administrative Code), the 1968 Building Code (Chapter 1 of Title 27 of the Administrative Code), the New York City Fire Code (Title 29 of the Administrative Code) or the New York City Electrical Code (Chapter 3 of Title 27 of the Administrative Code).

**101.2.2 Occupancy classifications.** For determination of occupancy classification and use within this code, a comparable occupancy classification shall be made to the New York City Building Code.

**101.2.3 Reconciliation with New York State Energy Conservation Construction Code.** Whenever any provision of the New York State Energy Conservation Construction Code provides for a more stringent requirement than imposed by this code, the more stringent requirement shall govern.

**101.2.4 Other laws.** The provisions of this code shall not be deemed to nullify any federal, state or local law, rule or regulation relating to any matter as to which this code does not provide.

**101.2.5 Exceptions.** This code shall not apply to the alterations of existing buildings set forth in items 1 through 8, provided that the alteration will not increase the energy usage of the building:

1. Storm windows installed over existing fenestration.
2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.
3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).
4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.
5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
7. An alteration that replaces less than 20 percent of the luminaires in a space in residential building or less than 10 percent of the luminaires in a space in a commercial building, provided that such alteration does not increase the installed interior lighting power.
8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

**101.3 Intent.** This code shall regulate the design and construction of buildings for the use and conservation of energy over the life of each building. This code is intended to provide flexibility to permit the use of innovative



approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances. To the fullest extent feasible, use of modern technical methods, devices and improvements that tend to minimize consumption of energy without abridging reasonable requirements for the safety, health and security of the occupants or users of buildings shall be permitted. As far as may be practicable, the improvement of energy conservation construction practices, methods, equipment, materials and techniques shall be encouraged.

Nothing in this section or in any other provision of this code shall be construed to permit the commissioner to approve an application to waive, vary, modify or otherwise alter any provision of this code if such alteration would make such provision less restrictive than a standard or requirement of the New York State Energy Conservation Construction Code, unless the applicant has obtained approval for such alteration pursuant to Section 11-106 of the New York State Energy Law.

**101.4 Applicability.** The provisions of this code shall apply to the construction of buildings. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

**101.4.1 Mixed occupancy.** Where a building includes both commercial and residential occupancies, each occupancy shall be separately considered and shall meet the applicable provisions of Chapters C2, C3, C4 and C5 for commercial, and Chapters R2, R3, R4, and R5 for residential.

**101.5 Compliance.** Commercial buildings shall comply with the provisions of this code applicable to commercial buildings. Residential buildings shall comply with the provisions of this code applicable to residential buildings.

**101.5.1 Compliance software.** Compliance with the provisions of this code can be demonstrated through the use of computer software deemed acceptable by the New York State Secretary of State and the commissioner.

**101.5.1.1 Mandatory provisions.** The use of the software approach to demonstrate compliance with the commercial provisions, residential provisions, or Appendix CA of this code is not a defense for the failure to comply with any mandatory provision of this code. When using the software approach to demonstrate compliance with the provisions of this code, compliance with all applicable mandatory provisions of this code is required.

**101.5.2 Demonstration of compliance.** For a building project application or applications required to be submitted to the department, the following documentation, as further described in the rules of the department, shall be required in order to demonstrate compliance with this code:

**101.5.2.1 Professional statement.** Any registered design professional or lead energy professional filing an application or applications for a new building or alteration project shall provide on a signed and sealed drawing a statement of compliance or exemption in accordance with the rules of the department.

**101.5.2.2 Energy analysis.** For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, an energy analysis shall be provided on a sheet or sheets within the construction drawing set. The energy analysis shall identify the compliance path followed, demonstrate how the design complies with this code and be in a format as prescribed in the rules of the department. The energy analysis shall meet the requirements of this code for the entire project. Projects that utilize trade-offs among disciplines shall use DOE2-based energy modeling programs or other energy-modeling programs as prescribed in the rules of the department and shall be signed and sealed by a lead energy professional.

**101.5.2.3 Supporting documentation.** For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, supporting documentation shall be required in the approved construction drawings. See Section ECC 103 for further requirements.

**101.6 Statutory Limitations.** In the event of an addition to or alteration of an existing building or building system in an existing building, nothing in this code shall be interpreted to require any unaltered portion of such existing building or building system to comply with this code.

**101.7 Historic Buildings.** Historic Buildings, as defined in this code, are exempt from the requirements of this code.

## **SECTION ECC 102**

### **ALTERNATE MATERIALS, METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS**

**102.1 General.** This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such material, method of construction, design or insulating system has been approved by the commissioner as (1) meeting the intent of this code, (2) achieving energy savings that are equivalent to or greater than would be achieved using prescribed materials, methods of construction, designs or insulating systems, and (3) meeting the requirements of Article 113 of Chapter 1 of Title 28 of the Administrative Code and the remaining New York City Construction Codes.

Nothing in this section shall be construed to permit the commissioner to approve an application that would waive, vary, modify, or otherwise alter any provision, standard, or requirement of this code if such alteration would make such provision less restrictive than a standard or requirement of the Energy Conservation Construction Code of New York State unless the applicant has obtained approval for such alteration pursuant to Section 11-106 of the New York State Energy Law.

## **SECTION ECC 103**

### **CONSTRUCTION DOCUMENTS**

**103.1 General.** Construction documents shall be prepared in accordance with the provisions of Chapter 1 of Title 28 of the Administrative Code, the New York City Construction Codes, including this code, and the rules of the department.

**103.2 Supporting documentation on construction documents.** Supporting documentation shall include those construction documents that demonstrate compliance with this code.

**103.2.1 Intent.** Supporting documentation shall accomplish the following:

- 1. Demonstrate conformance of approved drawings to the energy analysis for every element and value of the energy analysis;**
- 2. Demonstrate conformance of approved drawings to other mandatory requirements of this code, including, but not limited to, sealing against air leakage from the building envelope and from ductwork as applicable, insulation of ducts and piping as applicable, mechanical and lighting controls with devices shown and operational narratives for each, and additional requirements as set forth in this section;**

3. Identify required progress inspections in accordance with the scope of work, this code, the Administrative Code, the New York City Building Code and the rules of the department; and
4. Comply with other requirements as may be set forth in the rules of the department.

**103.2.2 Detailed requirements.** Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted in accordance with department procedures. Construction documents for a project shall be fully coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, building systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment, types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower and controls; duct sealing, duct and pipe insulation and location; lighting fixture schedule with wattages and control narrative; location of daylight zone on floor plans (as applicable), and air sealing details. The building's thermal envelope shall be represented on the construction documents.

**103.3 Examination of documents.** In accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code, the department shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws, rules and regulations.

**103.4 Changes during construction.** For changes during construction refer to Section 28-104.3 of the Administrative Code.

## **SECTION ECC 104**

### **INSPECTIONS**

**104.1 General.** Except as otherwise specifically provided, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by an approved agency. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to inspections. In addition to any inspections otherwise required by this code or the rules of the department, the following inspections shall be required:

1. Progress inspections. Progress inspections shall be performed in accordance with the rules of the department.
2. Final inspection. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.
3. Issuance of Certificate of Compliance. Refer to Section 28-116.4.1 of the Administrative Code.

The requirements of this section shall not prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

**104.1.1 Approved agencies.** Refer to Article 114 of Chapter 1 of Title 28 of the Administrative Code and

the rules of the department.

**104.1.2 Inspection of prefabricated construction assemblies.** Prior to the issuance of a work permit for a prefabricated construction assembly having concealed mechanical work, the department shall require the submittal of an evaluation report by the manufacturer or approved agency on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated for energy use, test results and similar information, and other data as necessary for the commissioner to determine conformance to this code.

**104.1.2.1 Test and inspection records.** Required test and inspection records shall be made available to the commissioner at all times during the fabrication of the mechanical system and the erection of the building; or such records as the commissioner designates shall be filed.

**104.2 Testing.** Envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical systems shall be tested as required in this code and in accordance with Sections 104.2.1 through 104.2.3. Except as otherwise required in this code or in the rules of the department, tests shall be made by the permit holder and witnessed by an approved agency.

**104.2.1 New, altered, extended, renovated or repaired systems.** New envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical installations or systems, and parts of existing systems that have been altered, extended, renovated or repaired, shall be tested as prescribed herein or in the rules of the department to disclose leaks and defects.

**104.2.2 Apparatus, instruments, material and labor for tests.** Apparatus, instruments, material and labor required for testing an envelope, heating, ventilating, air conditioning, service water heating, lighting or electrical installation or system, or part thereof, shall be furnished by the permit holder.

**104.2.3 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the New York City Construction Codes, including this code. The work or installation shall then be reinspected or retested by the approved agency.

**104.3 Sign-off of completed work.** In addition to the requirements of Article 116 of Chapter 1 of Title 28 of the Administrative Code, Section 103.4 of this code and other requirements for sign-off, the project team shall either certify that construction does not differ from the last approved energy analysis or provide a whole-project as-built energy analysis and supporting documents, signed and sealed, for approval prior to sign-off. The as-built energy analysis and supporting documents shall reflect the materials, equipment and values actually used in the construction of the project, and shall demonstrate compliance of the constructed project with this code. Such signed and sealed documents may be accepted with less than full examination by the department based on the professional certification of the registered design professional.

**104.4 Temporary connection.** The commissioner shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

## **SECTION ECC 105**

### **REFERENCED STANDARDS**

**105.1 Referenced standards.** The standards referenced in Chapters C2, C3, C4, and C5 of this code shall be

those that are listed in Chapter C6 of this code, and in the rules of the department and such standards shall be considered part of the requirements of the commercial provisions of this code to the prescribed extent of each such reference. The standards referenced in Chapters R2, R3, R4, and R5, of this code shall be those that are listed in Chapter R6 of this code, and in the rules of the department and such standards shall be considered part of the requirements of the residential provisions of this code to the prescribed extent of each such reference. The standards referenced in Appendix CA of this code shall be those that are listed in Section 12 of Appendix CA of this code, and in the rules of the department and such standards shall be considered part of the requirements of the commercial provisions of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Refer to Article 103 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to referenced standards.

## **CHAPTER C2**

### **DEFINITIONS**

#### **SECTION C201**

##### **GENERAL**

##### **Section C201.1 Scope.**

Section C201.1 - Revise Section C201.1 to read as follows:

**C201.1 SCOPE.** Unless stated otherwise, the following words and terms in chapters C2, C3, C4, C5 and C6 of this code shall have the meanings indicated in this chapter.

##### **Section C201.3 Terms defined in other codes.**

Section C201.3 - Revise Section C201.3 to read as follows:

**C201.3 Terms defined in other codes.** Terms that are not defined in this code but are defined in the New York City Construction Codes, New York City Fire Code, or the New York City Electrical Code shall have the meanings ascribed to them in those codes.

##### **Section C201.4 Terms not defined.**

Section C201.4 - Revise Section C201.4 to read as follows:

**C201.4 Terms not defined.** Terms not defined in this chapter or in the New York City Construction Codes, New York City Fire Code, or the New York City Electrical Code shall have ordinarily accepted meanings such as the context implies.

#### **SECTION C202**

##### **GENERAL DEFINITIONS**

Section C202 - Delete the definitions of “Fire Code of New York State,” “Fuel Gas Code of New York State,” “Mechanical Code of New York State,” “Plumbing Code of New York State,” “Residential Code of New York State,” and “Uniform Code.”

Section C202 – Delete the definition of “Air-impermeable insulation” after the definition of “Air curtain.”

Section C202 – Delete the definitions of “Area-weighted average,” “ASHRAE 90.1—2016,” “ASHRAE 90.1—2016 (as amended), “Approved” and “Approved agency” after the definition of “Alteration.”

Section C202 – Add the definitions of “Approval or approved,” “Approved agency,” “Area-weighted average,” “ASHRAE 90.1—2016,” “ASHRAE 90.1—2016 (AS AMENDED)” and “Authority having jurisdiction” after the definition of “Alteration,” to read as follows:

**APPROVAL OR APPROVED.** See Section 28-101.5 of the Administrative Code.

**APPROVED AGENCY.** See Section 28-101.5 of the Administrative Code.

**AREA-WEIGHTED AVERAGE.** A mathematical technique for combining different amounts of various components, based on proportional relevance, into a single number. Weighted averaging may be used where there is more than one R-value for floor, wall, or ceiling insulation, or more than one U-factor for fenestration in a building. As an example, the area-weighted average for window fenestration U-factors equals  $(\text{Area 1} \times \text{U-factor 1}) + (\text{Area 2} \times \text{U-factor 2}) + \dots / \text{Total Area} = \text{maximum allowable fenestration U-factor}$ .

**ASHRAE 90.1—2016.** The publication entitled “ANSI/ASHRAE/IES Standard 90.1—2016, Energy Standard for Buildings Except Low-rise Residential Buildings” (October 2016 printing) published by ASHRAE, formerly known as the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE 90.1—2016 is published by ASHRAE and jointly sponsored by the Illuminating Engineering Society of North America and the American National Standards Institute, and is also known as “ANSI/ASHRAE/IES 90.1—2016” or “ANSI/ASHRAE/IESNA 90.1—2016.”)

**ASHRAE—90.1-2016 (AS AMENDED).** ASHRAE 90.1-2016, as amended by 19 NYCRR Part 1240 with revisions as set forth in Appendix CA of this code.

**AUTHORITY HAVING JURISDICTION.** The commissioner or the commissioner’s designee.

Section C202 – Add a new definition of “Basement” after the definition of “Automatic,” to read as follows:

**BASEMENT.** A story that is not a story above grade plane. See the definition of “Story above grade plane.”

Section C202 – Revise the definition of “Building” after the definition of “Bubble point,” to read as follows:

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy or for affording shelter to persons, animals or property, together with: (1) any mechanical systems, service water heating systems, and electric power and lighting systems located in such structure, and (2) any mechanical systems, service water heating systems, and electric power and lighting systems located on the building site and supporting such structure. The term “building” shall include, but not be limited to, factory manufactured homes, as defined in subdivision 8 of Section 372 of the Executive Law, and mobile homes, as defined in subdivision 13 of Section 372 of the Executive Law.

Section C202 - Revise the definition of “Building entrance” after the definition of “Building commissioning.” to read as follows:

**BUILDING ENTRANCE.** Any doorway, set of doors, revolving door, vestibule, or other form of portal that is ordinarily used to gain access to the building or to exit from the building by its users and occupants. This does not include doors solely used to directly enter mechanical, electrical, and other building utility service equipment rooms.

Section C202 – Revise the definition of “Building official” after the definition of “Building entrance” to read as follows:

**BUILDING OFFICIAL.** The Commissioner of Buildings of the City of New York or his or her duly authorized representative. See Section 28-101.5 of the Administrative Code.

Section C202 - Revise the definition of “Conditioned space” after the definition of “Conditioned floor area,” to read as follows:

**CONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

Section C202 - Add a new definition of “DX-DEDICATED OUTDOOR AIR SYSTEM UNITS (DX-DOAS UNITS)” after the definition of “Dwelling unit,” to read as follows:

**DX-DEDICATED OUTDOOR AIR SYSTEM UNITS (DX-DOAS UNITS).** A TYPE OF AIR-COOLED, WATERCOOLED, OR WATER SOURCE FACTORY ASSEMBLED PRODUCT THAT DEHUMIDIFIES 100 PERCENT OUTDOOR AIR TO A LOW DEW POINT AND INCLUDES REHEAT THAT IS CAPABLE OF CONTROLLING THE SUPPLY DRY-BULB TEMPERATURE OF THE DEHUMIDIFIED AIR TO THE DESIGNED SUPPLY AIR TEMPERATURE. THIS CONDITIONED OUTDOOR AIR IS THEN DELIVERED DIRECTLY OR INDIRECTLY TO THE CONDITIONED SPACES. IT MAY PRECONDITION OUTDOOR AIR BY CONTAINING AN ENTHALPY WHEEL, SENSIBLE WHEEL, DESICCANT WHEEL, PLATE HEAT EXCHANGER, HEAT PIPES, OR OTHER HEAT OR MASS TRANSFER APPARATUS.

Section C202 - Revise the definition of “Energy code” after the definition of “Energy analysis,” to read as follows:

**ENERGY CODE.** The New York City Energy Conservation Code.

Section C202 - Add a new definition of “Grade plane” after the definition of “General lighting,” to read as follows:

**GRADE PLANE.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Section C202 - Add a new definition of “Integrated seasonal coefficient of performance (ISCOP)” after the definition of “Integrated part load value (IPLV),” to read as follows:

**INTEGRATED SEASONAL COEFFICIENT OF PERFORMANCE (ISCOP).** A seasonal efficiency number that is a combined value based on the formula listed in AHRI Standard 920 of the two COP values for the heating season of a DX-DOAS unit water or air source heat pump, expressed in W/W.

Section C202 - Add a new definition of “Integrated seasonal moisture removal efficiency (ISMRE)” after the definition of “Integrated seasonal coefficient of performance (ISCOP),” to read as follows:

**INTEGRATED SEASONAL MOISTURE REMOVAL EFFICIENCY (ISMRE).** A seasonal efficiency number that is a combined value based on the formula listed in AHRI Standard 920 of the four dehumidification moisture removal efficiency (MRE) ratings required for DX-DOAS units, expressed in lb of moisture/kWh.

Section C202 – Revise the definition of “Labeled” after the definition of “Isolation devices,” to read as follows:

**LABELED.** See Section 28-101.5 of the Administrative Code.

Section C202 - Add a new definition of “Lead energy professional” after the definition of “Labeled,” to read as follows:

**LEAD ENERGY PROFESSIONAL.** The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Section C202 – Revise the definition of “Listed” after the definition of “Liner system (Ls),” to read as follows:

**LISTED.** See Section 28-101.5 of the Administrative Code.

Section C202 - Add a new definition of “Moisture removal efficiency (MRE)” after the definition of “Manual,” to read as follows:

**MOISTURE REMOVAL EFFICIENCY (MRE).** A ratio of the moisture removal **CAPACITY IN POUNDS OF MOISTURE PER HOUR TO THE POWER INPUT VALUES IN KILOWATTS AT ANY GIVEN SET OF STANDARD RATING CONDITIONS EXPRESSED IN LB OF MOISTURE/KWH.**

Section C202 - Add new definitions of “Professional certification” and “Project” after the definition of “Powered roof/wall ventilators,” to read as follows:

**PROFESSIONAL CERTIFICATION.** See Section 28-101.5 of the Administrative Code.

**PROJECT.** A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Section C202 - Add a new definition of “Spandrel panel” after the definition of “Solar heat gain coefficient (SHGC),” to read as follows:

**SPANDREL PANEL.** An opaque assembly within a fenestration framing system in a wall that is part of the building thermal envelope. Such panels are considered to be a portion of the opaque thermal envelope assembly.

Section C202 – Delete the definition of “Standard reference design”.

Section C202 - Add new definitions of “Story,” “Story above grade plane,” and “Thermal bridge” after the definition of “Storefront,” to read as follows:

**STORY.** The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. See the definitions of “Basement” and “Grade plane.” A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above grade plane; or



2. More than 12 feet (3658 mm) above the finished ground level at any point.

**THERMAL BRIDGE:** Thermal bridges are elements that interrupt areas of uniform thermal resistance in the building envelope.

**Clear field thermal bridge:** an area-based thermal transmittance associated with elements of a building envelope assembly which repeat at regular intervals. Examples of clear field thermal bridges include metal or wood studs, brick ties and cladding attachments such as z-girts.

**Linear thermal bridge:** a length-based thermal transmittance associated with horizontal, vertical, or diagonal elements within the building envelope and with length measured along the exterior surface of the building envelope. Examples of linear thermal bridges include balconies or floor assemblies which penetrate walls in the building envelope, fenestration perimeter interfaces, parapets, and shelf angles. Linear thermal transmittance is heat flow divided by length and by the temperature difference between the interior and exterior sides of the assembly, represented by a  $\Psi$ -value (Psi-Value) in units Btu/hr • ft • °F (W/mK).

**Point thermal bridge:** an element-based thermal transmittance associated with a discrete element that penetrates the building envelope. Examples of point thermal bridges include a beam penetrating a wall, a column penetrating a roof or floor, and an anchor or connection used to attach an element to the building and not otherwise addressed as a clear field thermal bridge or linear thermal bridge. Point thermal transmittance is heat flow divided by the temperature difference between the interior and exterior sides of the assembly, represented by a X-value (Chi-Value) in units Btu/hr • °F (W/K).

### **CHAPTER C3**

#### **GENERAL REQUIREMENTS**

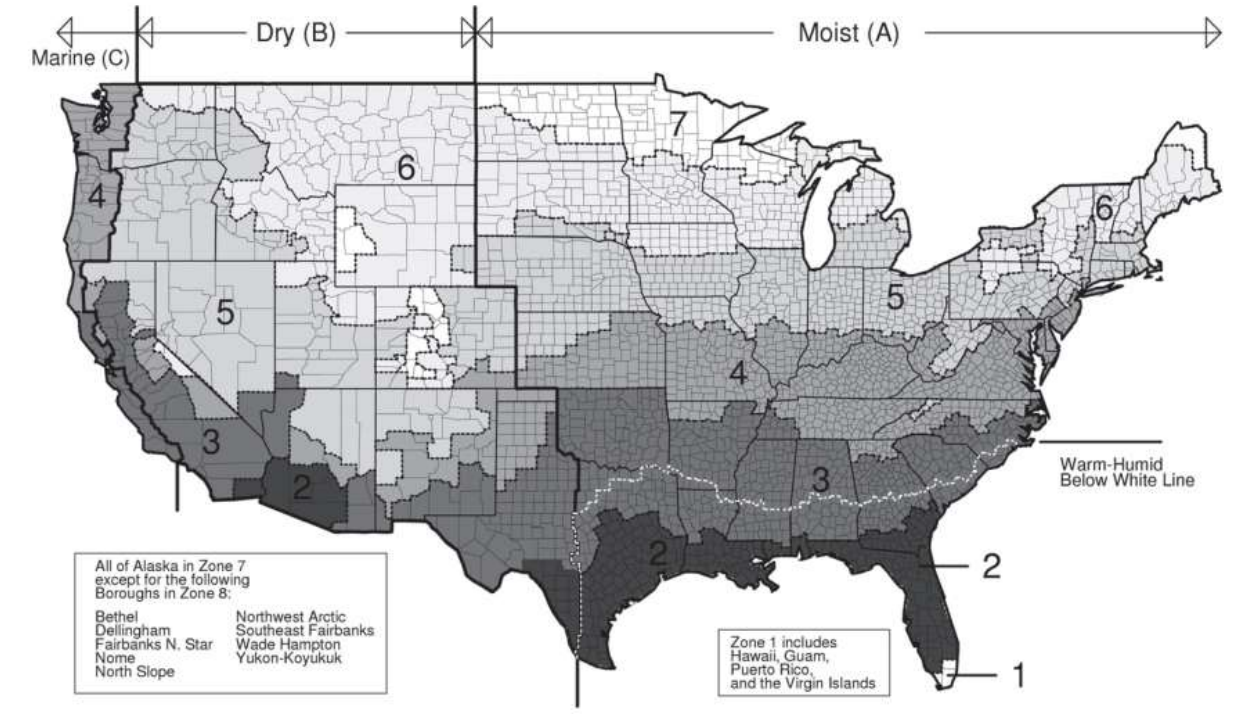
##### **SECTION C301**

Section C301 - Delete Section C301 in its entirety and add a new Section C301 to read as follows:

##### **SECTION C301**

#### **CLIMATE ZONES**

**C301.1 General.** For projects in the City of New York, Climate Zone 4A shall be used in determining the applicable requirements from Chapter C4.



**FIGURE C301.1**  
**CLIMATE ZONES**

**SECTION C303****MATERIALS, SYSTEMS AND EQUIPMENT****Section C303.1.1 Building thermal envelope insulation.**

Section C303.1.1 – Revise the exception to Section C303.1.1 to read as follows:

**Exception:** For roof insulation installed above the deck, the R-value shall be labeled as required by the material standards specified in the New York City Building Code.

**Section C303.2 Installation.**

Section C303.2 - Revise Section C303.2 to read as follows:

**C303.2 Installation.** Materials, systems and equipment shall be installed in accordance with (i) the manufacturer's installation instructions and (ii) the applicable provisions of the New York City Construction Codes.

**CHAPTER C4****COMMERCIAL ENERGY EFFICIENCY****SECTION C401****GENERAL****Section C401.2 Application.**

Section C401.2 – Revise Section C401.2 to read as follows:

**C401.2 Application.** Commercial buildings shall comply with one of the following compliance paths:

1. ASHRAE Compliance Path: The requirements of ASHRAE 90.1-2016 (as amended), as set forth in Appendix CA.
2. Prescriptive Compliance Path: The requirements of Sections C402 through C405 and C408. In addition, commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.
3. Performance Compliance Path: The requirements of Section C407.

Section C401.2.1 – Delete Section C401.2.1 in its entirety, and add a new Section C401.2.1 to read as follows:

**C401.2.1 Application to Group R-3 buildings.** Where Group R-3 buildings must comply with Section C401.2, the requirements of Sections R401.3, R402.4.1.2, and R403.6.2 shall also be met.

**SECTION C402**  
**BUILDING ENVELOPE REQUIREMENTS**

**Section C402.1 General (Prescriptive).**

Section C402.1 - Revise Item 1 of Section C402.1 to read as follows:

1. The opaque portions of the building thermal envelope shall comply with the specific insulation requirements of Section C402.2 and the thermal requirements of either the R-value-based method of Section C402.1.3; the U-, C- and F-factor-based method of Section C402.1.4; or the component performance alternative of Section C402.1.5. When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table C403.3.2(3) exceeds 1 percent of the opaque above-grade wall area, the building thermal envelope shall comply with the U-, C- and F-factor-based method of Section C402.1.4.

Section C402.1 - Delete Item 4 of Section C402.1 in its entirety.

**Section C402.1.3 Insulation component R-value-based method.**

Section C402.1.3 – Revise the first sentence of Section C402.1.3 to read as follows:

Building thermal envelope opaque assemblies shall comply with the requirements of Sections C402.2 and C402.4 based on the climate zone specified in Chapter C3.

Section C402.1.3 - Delete Table C402.1.3 in its entirety and add a new Table C402.1.3 to read as follows:

**TABLE C402.1.3**  
**OPAQUE THERMAL ENVELOPE INSULATION COMPONENT MINIMUM**  
**REQUIREMENTS, R-VALUE METHOD<sup>a, h</sup>**

<b><u>CLIMATE ZONE</u></b>	<b><u>4 EXCEPT MARINE</u></b>		<b><u>5 AND MARINE 4</u></b>		<b><u>6</u></b>	
	<b><u>All other</u></b>	<b><u>Group R</u></b>	<b><u>All other</u></b>	<b><u>Group R</u></b>	<b><u>All other</u></b>	<b><u>Group R</u></b>
<b><u>Roofs</u></b>						
<u>Insulation entirely above roof deck</u>	<u>R-33ci</u>	<u>R-33ci</u>	<u>R-30ci</u>	<u>R-30ci</u>	<u>R-30ci</u>	<u>R-30ci</u>
<u>Metal buildings<sup>b</sup></u>	<u>R-19 + R-11 LS</u>	<u>R-19 + R-11 LS</u>	<u>R-19 + R-11 LS</u>	<u>R-19 + R-11 LS</u>	<u>R-25 + R-11 LS</u>	<u>R-25 + R-11 LS</u>
<u>Attic and other</u>	<u>R-53</u>	<u>R-53</u>	<u>R-38</u>	<u>R-49</u>	<u>R-49</u>	<u>R-49</u>
<b><u>Walls, above grade</u></b>						
<u>Mass<sup>f</sup></u>	<u>R-11.2ci</u>	<u>R-13.25ci</u>	<u>R-11.4ci</u>	<u>R-13.3ci</u>	<u>R-13.3ci</u>	<u>R-15.2ci</u>
<u>Metal building</u>	<u>R-13 + R-14.9ci</u>	<u>R-13 + R-14.9ci</u>	<u>R-13 + R-13ci</u>	<u>R-13 + R-13ci</u>	<u>R-13 + R-13ci</u>	<u>R-13 + R-13ci</u>

<u>Metal framed</u>	<u>R-13 + R-8.5ci</u>	<u>R-13 + R-8.5ci</u>	<u>R-13 + R-7.5ci</u>	<u>R-13 + R-7.5ci</u>	<u>R-13 + R-7.5ci</u>	<u>R-13 + R-7.5ci</u>
<u>Wood framed and other</u>	<u>R-13 + R-4.5ci or R-19 + R- 1.5ci</u>	<u>R-13 + R-4.5ci or R-19 + R- 1.5ci</u>	<u>R-13 + R-3.8ci or R-20</u>	<u>R-13 + R-7.5ci or R-20 + R-3.8ci</u>	<u>R-13 + R-7.5ci or R-20 + R-3.8ci</u>	<u>R-13 + R-7.5ci or R-20 + R-3.8ci</u>
<b><u>Walls, below grade</u></b>						
<u>Below-grade wall<sup>c</sup></u>	<u>R-7.5ci</u>	<u>R-10ci</u>	<u>R-7.5ci</u>	<u>R-7.5ci</u>	<u>R-7.5ci</u>	<u>R-7.5ci</u>
<b><u>Floors</u></b>						
<u>Mass<sup>d</sup></u>	<u>R-14.6ci</u>	<u>R-16.7ci</u>	<u>R-10ci</u>	<u>R-12.5ci</u>	<u>R-12.5ci</u>	<u>R-12.5ci</u>
<u>Joist/framing<sup>e</sup></u>	<u>R-30</u>	<u>R-30</u>	<u>R-30</u>	<u>R-30</u>	<u>R-30</u>	<u>R-30</u>
<b><u>Slab-on-grade floors</u></b>						
<u>Unheated slabs</u>	<u>R-15 for 24" below</u>	<u>R-15 for 24" below</u>	<u>R-10 for 24" below</u>	<u>R-10 for 24" below</u>	<u>R-10 for 24" below</u>	<u>R-15 for 24" below</u>
<u>Heated slabs<sup>g</sup></u>	<u>R-20 for 48" below + R-5 full slab</u>	<u>R-20 for 48" below + R-5 full slab</u>	<u>R-15 for 36" below + R-5 full slab</u>	<u>R-15 for 36" below + R-5 full slab</u>	<u>R-15 for 36" below + R-5 full slab</u>	<u>R-20 for 48" below + R-5 full slab</u>
<b><u>Opaque doors</u></b>						
<u>Nonswinging</u>	<u>R-4.75</u>	<u>R-4.75</u>	<u>R-4.75</u>	<u>R-4.75</u>	<u>R-4.75</u>	<u>R-4.75</u>

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 4.88 kg/m<sup>2</sup>, 1 pound per cubic foot = 16 kg/m<sup>3</sup>.  
ci = Continuous insulation, NR = No Requirement, LS = Liner System.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.4.
- c. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for above grade mass walls.
- d. "Mass floors" shall be in accordance with Section C402.2.3.
- e. Steel floor joist systems shall be insulated to R-38.
- f. "Mass walls" shall be in accordance with Section C402.2.2.
- g. The first value is for perimeter insulation and the second value is for slab insulation. Perimeter insulation is not required to extend below the bottom of the slab.
- h. Not applicable to garage doors. See Table C402.1.4.

### **Section C402.1.4 Assembly U-factor, C-factor or F-factor-based method.**

Section C402.1.4 - Revise the first sentence of Section C402.1.4 to read as follows:

Building thermal envelope opaque assemblies shall meet the requirements of Sections C402.2 and C402.4 based on the climate zone specified in Chapter C3.

Section C402.1.4 - Revise the last sentence of Section C402.1.4 to read as follows:

Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the U-, C- or F-factor from the “All other” column of Table C402.1.4.

Table C402.1.4 - Delete Table C402.1.4 in its entirety and add a new Table C402.1.4 to read as follows:

**TABLE C402.1.4**  
**OPAQUE THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, U-FACTOR**  
**METHOD**<sup>a, b</sup>

<u>CLIMATE ZONE</u>	<u>4</u> <u>EXCEPT MARINE</u>		<u>5</u> <u>AND MARINE 4</u>		<u>6</u>	
	<u>All other</u>	<u>Group R</u>	<u>All other</u>	<u>Group R</u>	<u>All other</u>	<u>Group R</u>
<b><u>Roofs</u></b>						
<u>Insulation entirely above roof deck</u>	<u>U-0.030</u>	<u>U-0.030</u>	<u>U-0.032</u>	<u>U-0.032</u>	<u>U-0.032</u>	<u>U-0.032</u>
<u>Metal buildings</u>	<u>U-0.035</u>	<u>U-0.035</u>	<u>U-0.035</u>	<u>U-0.035</u>	<u>U-0.031</u>	<u>U-0.031</u>
<u>Attic and other</u>	<u>U-0.020</u>	<u>U-0.020</u>	<u>U-0.027</u>	<u>U-0.021</u>	<u>U-0.021</u>	<u>U-0.021</u>
<b><u>Walls, above grade</u></b>						
<u>Mass<sup>f</sup></u>	<u>U-0.099</u>	<u>U-0.086</u>	<u>U-0.090</u>	<u>U-0.080</u>	<u>U-0.080</u>	<u>U-0.071</u>
<u>Metal building</u>	<u>U-0.048</u>	<u>U-0.048</u>	<u>U-0.052</u>	<u>U-0.052</u>	<u>U-0.052</u>	<u>U-0.052</u>
<u>Metal framed</u>	<u>U-0.061</u>	<u>U-0.061</u>	<u>U-0.064</u>	<u>U-0.064</u>	<u>U-0.064</u>	<u>U-0.064</u>
<u>Wood framed and other<sup>c</sup></u>	<u>U-0.061</u>	<u>U-0.061</u>	<u>U-0.064</u>	<u>U-0.064</u>	<u>U-0.051</u>	<u>U-0.051</u>
<b><u>Walls, below grade</u></b>						
<u>Below-grade wall<sup>c</sup></u>	<u>C-0.119</u>	<u>C-0.092</u>	<u>C-0.119</u>	<u>C-0.119</u>	<u>C-0.119</u>	<u>C-0.119</u>
<b><u>Floors</u></b>						
<u>Mass<sup>d</sup></u>	<u>U-0.057</u>	<u>U-0.051</u>	<u>U-0.074</u>	<u>U-0.064</u>	<u>U-0.064</u>	<u>U-0.064</u>
<u>Joist/framing</u>	<u>U-0.033</u>	<u>U-0.033</u>	<u>U-0.033</u>	<u>U-0.033</u>	<u>U-0.033</u>	<u>U-0.033</u>
<b><u>Slab-on-grade floors</u></b>						
<u>Unheated slabs</u>	<u>F-0.52</u>	<u>F-0.52</u>	<u>F-0.54</u>	<u>F-0.54</u>	<u>F-0.54</u>	<u>F-0.52</u>
<u>Heated slabs<sup>e</sup></u>	<u>F-0.63</u> <u>0.64</u>	<u>F-0.63</u> <u>0.64</u>	<u>F-0.79</u> <u>0.64</u>	<u>F-0.79</u> <u>0.64</u>	<u>F-0.79</u> <u>0.55</u>	<u>F-0.69</u> <u>0.55</u>

<b><u>Opaque doors</u></b>						
<b><u>Swinging door</u></b>	<b><u>U-0.50</u></b>	<b><u>U-0.50</u></b>	<b><u>U-0.37</u></b>	<b><u>U-0.37</u></b>	<b><u>U-0.37</u></b>	<b><u>U-0.37</u></b>
<b><u>Garage door &lt;14% glazing</u></b>	<b><u>U-0.31</u></b>	<b><u>U-0.31</u></b>	<b><u>U-0.31</u></b>	<b><u>U-0.31</u></b>	<b><u>U-0.31</u></b>	<b><u>U-0.31</u></b>

For SI: 1 pound per square foot = 4.88 kg/m<sup>2</sup>, 1 pound per cubic foot = 16 kg/m<sup>3</sup>.

ci = Continuous insulation, NR = No Requirement, LS = Liner System.

- Where assembly U-factors, C-factors, and F-factors are established in ANSI/ASHRAE/IESNA 90.1 Appendix A, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table, and provided that the construction, excluding the cladding system on walls, complies with the appropriate construction details from ANSI/ASHRAE/IESNA 90.1 Appendix A.
- Where U-factors have been established by testing in accordance with ASTM C1363, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table. The R-value of continuous insulation shall be permitted to be added to or subtracted from the original tested design.
- Where heated slabs are below grade, below-grade walls shall comply with the U-factor requirements for above-grade mass walls.
- "Mass floors" shall be in accordance with Section C402.2.3.
- The first value is for perimeter insulation and the second value is for full slab insulation.
- "Mass walls" shall be in accordance with Section C402.2.2.

#### **Section C402.1.4.2 Thermal resistance of spandrel panels.**

Section C402.1.4.2 - Add a new Section C402.1.4.2 and a new Table C402.1.4.2 to read as follows:

**C402.1.4.2 THERMAL RESISTANCE OF SPANDREL PANELS.** U-factors of opaque assemblies within fenestration framing systems shall be determined in accordance with Table C402.1.4.2.

**TABLE C402.1.4.2**  
**EFFECTIVE U-FACTORS FOR SPANDREL PANELS<sup>a</sup>**

<b><u>FRAME TYPE</u></b>	<b><u>SPANDREL PANEL</u></b>	<b><u>RATED R-VALUE OF INSULATION BETWEEN FRAMING MEMBERS</u></b>						
		<b><u>R-4</u></b>	<b><u>R-7</u></b>	<b><u>R-10</u></b>	<b><u>R-15</u></b>	<b><u>R-20</u></b>	<b><u>R-25</u></b>	<b><u>R-30</u></b>
<b><u>Aluminum without Thermal Break<sup>b</sup></u></b>	<b><u>Single glass pane, stone, or metal panel</u></b>	<b><u>0.242</u></b>	<b><u>0.222</u></b>	<b><u>0.212</u></b>	<b><u>0.203</u></b>	<b><u>0.198</u></b>	<b><u>0.195</u></b>	<b><u>0.193</u></b>
	<b><u>Double glass with no low-e coatings</u></b>	<b><u>0.233</u></b>	<b><u>0.218</u></b>	<b><u>0.209</u></b>	<b><u>0.202</u></b>	<b><u>0.197</u></b>	<b><u>0.194</u></b>	<b><u>0.192</u></b>
	<b><u>Triple or low-e glass</u></b>	<b><u>0.226</u></b>	<b><u>0.214</u></b>	<b><u>0.207</u></b>	<b><u>0.200</u></b>	<b><u>0.196</u></b>	<b><u>0.194</u></b>	<b><u>0.192</u></b>
<b><u>Aluminum with Thermal Break<sup>c</sup></u></b>	<b><u>Single glass pane, stone, or metal panel</u></b>	<b><u>0.211</u></b>	<b><u>0.186</u></b>	<b><u>0.173</u></b>	<b><u>0.162</u></b>	<b><u>0.155</u></b>	<b><u>0.151</u></b>	<b><u>0.149</u></b>
	<b><u>Double glass with no low-e coatings</u></b>	<b><u>0.200</u></b>	<b><u>0.180</u></b>	<b><u>0.170</u></b>	<b><u>0.160</u></b>	<b><u>0.154</u></b>	<b><u>0.151</u></b>	<b><u>0.148</u></b>

	<u>Triple or low-e glass</u>	<u>0.191</u>	<u>0.176</u>	<u>0.167</u>	<u>0.159</u>	<u>0.153</u>	<u>0.150</u>	<u>0.148</u>
<b><u>Structural Glazing<sup>d</sup></u></b>	<u>Single glass pane, stone, or metal panel</u>	<u>0.195</u>	<u>0.163</u>	<u>0.147</u>	<u>0.132</u>	<u>0.123</u>	<u>0.118</u>	<u>0.114</u>
	<u>Double glass with no low-e coatings</u>	<u>0.180</u>	<u>0.156</u>	<u>0.142</u>	<u>0.129</u>	<u>0.122</u>	<u>0.117</u>	<u>0.114</u>
	<u>Triple or low-e glass</u>	<u>0.169</u>	<u>0.150</u>	<u>0.138</u>	<u>0.127</u>	<u>0.121</u>	<u>0.116</u>	<u>0.113</u>
<b><u>No framing or Insulation is Continuous<sup>e</sup></u></b>	<u>Single glass pane, stone, or metal panel</u>	<u>0.148</u>	<u>0.102</u>	<u>0.078</u>	<u>0.056</u>	<u>0.044</u>	<u>0.036</u>	<u>0.031</u>
	<u>Double glass with no low-e coatings</u>	<u>0.136</u>	<u>0.097</u>	<u>0.075</u>	<u>0.054</u>	<u>0.043</u>	<u>0.035</u>	<u>0.030</u>
	<u>Triple or low-e glass</u>	<u>0.129</u>	<u>0.093</u>	<u>0.073</u>	<u>0.053</u>	<u>0.042</u>	<u>0.035</u>	<u>0.030</u>

- Opaque assembly U-factors based on designs tested in accordance with ASTM C1363 or NFRC 100 shall be permitted. Interpolation outside of the table shall not be permitted. Spandrel panel assemblies in the table do not include metal backpans.
- Aluminum frame without a thermal break shall be used for systems where the mullion provides a thermal bridge through the insulation.
- Aluminum frame with a thermal break shall be used for systems where a urethane or other nonmetallic element separates the metal exposed to the exterior from the metal that is exposed to the interior condition.
- Structural glazing frame type shall be used for systems that have no exposed mullion on the interior.
- No framing or insulation that is continuous shall be used for systems where there is no framing or the insulation is continuous and uninterrupted between framing.

### **Section C402.1.4.3 Thermal resistance of mechanical equipment penetrations.**

Section C402.1.4.3 - Add a new Section C402.1.4.3 to read as follows:

**C402.1.4.3 Thermal resistance of mechanical equipment penetrations.** When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table C403.3.2(3) exceeds 1 percent of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5.

**Exception:** Where mechanical equipment has been tested in accordance with testing standards approved by the department, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.

### **Section C402.2 Specific building thermal envelope insulation requirements (Prescriptive).**

Section C402.2 – Revise Section C402.2 to read as follows:

**C402.2 Specific building thermal envelope insulation requirements (Prescriptive).** Insulation in building thermal envelope opaque assemblies shall comply with Sections C402.2.1 through C402.2.9 and Table C402.1.3.

### **Section C402.2.8 Fireplaces.**

Section C402.2.8 – Revise Section C402.2.8 to read as follows:



**C402.2.8 Fireplaces.** New wood-burning fireplaces shall have tight-fitting flue dampers or doors, and outdoor combustion air as required by the fireplace construction provisions of the New York City Construction Codes, as applicable. Where using tight-fitting doors on factory-built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace.

**Section C402.2.9 Continuous insulation.**

Section C402.2.9 - Add a new Section C402.2.9 to read as follows:

**C402.2.9 CONTINUOUS INSULATION. IN NEW CONSTRUCTION, BALCONIES AND PARAPETS THAT INTERRUPT THE BUILDING THERMAL ENVELOPE SHALL COMPLY WITH ONE OF THE FOLLOWING:**

1. Shall be insulated with continuous insulation having a minimum thermal resistance equivalent to the continuous insulation component required in the adjacent wall assembly as listed in Table C402.1.3. Where more than one wall assembly is interrupted by an adjacent balcony, the higher thermal resistance shall be followed.
2. Shall incorporate a minimum R-3 thermal break where the structural element penetrates the building thermal envelope.

**Table C402.4 Building Envelope Fenestration Maximum U-Factor and SHGC Requirements**

Table C402.4 - Delete Table C402.4 in its entirety and add a new Table C402.4 to read as follows:

**TABLE C402.4**  
**BUILDING ENVELOPE FENESTRATION MAXIMUM U-FACTOR AND SHGC REQUIREMENTS**

<u>CLIMATE ZONE</u>	<u>4 EXCEPT MARINE</u>	
<u>Vertical fenestration</u>		
<u>U-factor<sup>a</sup></u>		
	<u>Below 95'<sup>b</sup></u>	<u>95' and above<sup>b</sup></u>
<u>Nonmetal framing (all)</u>	<u>0.28</u>	<u>0.28</u>
<u>Metal framing fixed</u>	<u>0.30</u>	<u>0.36</u>
<u>Metal framing operable</u>	<u>0.40</u>	<u>0.42</u>
<u>Curtainwall fixed</u>	<u>0.36</u>	<u>0.36</u>
<u>Entrance doors</u>	<u>0.77</u>	
<u>SHGC<sup>c</sup></u>		
<u>PF &lt; 0.2</u>	<u>0.36</u>	

<u>0.2 <math>\square</math> PF &lt; 0.5</u>	<u>0.43</u>
<u>PF <math>\square</math> 0.5</u>	<u>0.58</u>
<b><u>Skylights</u></b>	
<u>U-factor<sup>a</sup></u>	<u>0.48</u>
<u>SHGC<sup>c</sup></u>	<u>0.38</u>

PF = Projection Factor.

- a. U-factor shall be rated in accordance with NFRC 100.
- b. Where any portion of the fenestration frame is installed at or above 95 feet (28 950 mm) above grade, the unit may meet the requirements for 95feet (28 950 mm) and above.
- c. SHGC shall be rated in accordance with NFRC 200.

### **Section C402.5.1.2.1 Materials.**

Section C402.5.1.2.1- Delete Item 16 of Section C402.5.1.2.1 in its entirety.

### **Section C402.5.1.3 Air barrier testing.**

Section C402.5.1.3 - Add a new Section C402.5.1.3 to read as follows:

**C402.5.1.3 Air barrier testing.** New buildings and additions of a certain size must comply with the following requirements and the rules of the department:

1. New buildings and additions 10,000 square feet (929 m<sup>2</sup>) and greater, but less than 50,000 square feet (4 645.2 m<sup>2</sup>), and less than or equal to 75 feet (22.86 m) in height must show compliance through testing in accordance with ASTM E779 or other approved standards. R-2 buildings may alternatively show compliance through testing in accordance with Section R402.4.1.3 of this code.
2. New buildings and additions 10,000 square feet (929 m<sup>2</sup>) and greater, but less than 50,000 square feet (4 645.2 m<sup>2</sup>), and greater than 75 feet (22.86 m) in height, shall test or inspect each type of unique air barrier joint or seam in the building envelope for continuity and defects, as per an Air Barrier Continuity Plan developed by a registered design professional. Alternatively, such buildings and additions may show compliance through testing in accordance with Item 1 of this section.
3. New buildings and additions 50,000 square feet (4 645.2 m<sup>2</sup>) and greater shall test or inspect each type of unique air barrier joint or seam in the building envelope for continuity and defects, as per an Air Barrier Continuity Plan developed by a registered design professional. Alternatively, such buildings and additions may show compliance through testing in accordance with Item 1 of this section.

### **Section C402.5.3 Rooms containing fuel-burning appliances.**

Section C402.5.3 – Revise Item 2.3 of Section C402.5.3 to read as follows:

- 2.3. The doors into the enclosed room or space shall be fully gasketed.

Section C402.5.3 – Revise the Exception to Section C402.5.3 to read as follows:

**Exception:** Fireplaces and stoves complying with the New York City Mechanical Code, and the fireplace fireblocking requirements of the New York City Building Code.

**Section C402.5.4 Doors and access opening to shafts, chutes, stairways, and elevator lobbies.**

Section C402.5.4 - Revise Exceptions 1 and 2 of Section C402.5.4 to read as follows:

1. Door openings required to comply with the duct and air transfer opening requirements of the New York City Building Code.
2. Doors and door openings required to comply with UL 1784 by the New York City Building Code.

**Section C402.5.7 Vestibules.**

Section C402.5.7 - Revise Exception 4 of Section C402.5.7 to read as follows:

4. Doors that open directly from a space less than 3,000 square feet (298 m<sup>2</sup>) in area, in buildings less than 75 feet (22.86 m) in height, and doors that open directly from a space less than 1,000 square feet (92.9 m<sup>2</sup>) in area, in buildings 75 feet (22.86 m) and greater in height.

Section C402.5.7 - Delete Exception 7 of Section C402.5.7 in its entirety.

**Section C402.6 Thermal bridges (Mandatory).**

Section C402.6 – Add new Sections C402.6, C402.6.1, C402.6.2 and C402.6.3, and a new Table C402.6, to read as follows:

**C402.6 Thermal bridges (Mandatory).** Applications for construction document approval shall include the following documentation of thermal bridges:

**C402.6.1 Clear field thermal bridges.** Where otherwise not included in pre-calculated assembly U-factors, C-factors, or F-factors outlined in Appendix A of ASHRAE 90.1-2016 (as amended), as set forth in Appendix CA of this code, clear field thermal bridges in a wall, roof, or floor assembly shall be noted as such in the drawings.

**C402.6.2 Point thermal bridges.** Point thermal bridges greater than or equal in area to 12 in<sup>2</sup> (7744 mm<sup>2</sup>) and not associated with HVAC or electrical systems shall be noted as thermal bridges in the drawings.

**C402.6.3 Linear thermal bridges.** Construction documents shall include the following documentation in tabular format for linear thermal bridges listed in Table C402.6:

1. Linear thermal bridge type.
2. Aggregate length of each type of linear thermal bridge.
3. Relevant detail in the construction documents showing a cross-section through the thermal bridge.
4. Ψ-value for each thermal bridge from Table C402.6.

**Exception:** Where linear thermal bridges have been tested or modeled using methods approved by the department, alternate values may be used.

**TABLE C402.6****AVERAGE THERMAL TRANSMITTANCE FOR UNMITIGATED LINEAR THERMAL BRIDGES**

<b><u>TYPE OF THERMAL BRIDGE</u></b>	<b><u>Ψ-value<sup>a</sup></u></b> <b><u>[Btu/hr • ft • °F]</u></b>
<u>Balcony</u>	<u>0.50</u>
<u>Floor Slab</u>	<u>0.44</u>
<u>Fenestration Perimeter Transition<sup>b</sup></u>	<u>0.32</u>
<u>Parapet</u>	<u>0.42</u>
<u>Shelf Angle</u>	<u>0.41</u>

- a. Psi-values are derived from the BC Hydro Building Envelope Thermal Bridging Guide Version 1.2—September 2018, and are based on poor performing details.
- b. Fenestration Perimeter Transition is the thermal bridge between any fenestration frame and the typical wall, roof or floor assembly it abuts or is mounted within.

**SECTION C403**

**BUILDING MECHANICAL SYSTEMS**

**Section C403.1.1 Calculation of heating and cooling loads (Mandatory).**

Section C403.1.1 – Revise the first sentence of Section C403.1.1 to read as follows:

Design loads associated with heating, ventilating and air conditioning of the building shall be determined in accordance with ANSI/ASHRAE/ACCA Standard 183 or by an approved equivalent computational procedure using the design parameters specified in Chapter C3.

**Section C403.2.2 Ventilation (Mandatory).**

Section C403.2.2 – Revise Section C403.2.2 to read as follows:

**C403.2.2 Ventilation (Mandatory).** Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the New York City Mechanical Code. Where mechanical ventilation is provided, the system shall provide the capability to reduce the outdoor air supply to the minimum required by Chapter 4 of the New York City Mechanical Code.

**Section C403.3.2 HVAC equipment performance requirements (Mandatory).**

Section C403.3.2 - Revise the first two sentences of Section C403.3.2 to read as follows:

Equipment shall meet the minimum efficiency requirements of Tables C403.3.2(1) through C403.3.2(8) and Tables C403.3.2(10) through C403.3.2(14) when tested and rated in accordance with the applicable test procedure. Plate-type liquid-to-liquid heat exchangers shall meet the minimum requirements of Table C403.3.2(9).

**Table C403.3.2(1) Minimum efficiency requirements: Electrically operated unitary air conditioners and condensing units**

Table C403.3.2(1) - Delete Table C403.3.2(1) in its entirety and add a new Table C403.3.2(1) to read as follows:

**TABLE C403.3.2(1)**  
**MINIMUM EFFICIENCY REQUIREMENTS: ELECTRICALLY OPERATED**  
**UNITARY AIR CONDITIONERS AND CONDENSING UNITS**

<b><u>EQUIPMENT TYPE</u></b>	<b><u>SIZE CATEGORY</u></b>	<b><u>HEATING SECTION TYPE</u></b>	<b><u>SUBCATEGORY OR RATING CONDITION</u></b>	<b><u>MINIMUM EFFICIENCY<sup>c</sup></u></b>	<b><u>TEST PROCEDURE<sup>a</sup></u></b>
Air conditioners, air cooled	< 65,000 Btu/h <sup>b</sup>	All	Split System, three phase	13.0 SEER	AHRI 210/240
			Single Package, three phase	14.0 SEER	
Through-the-wall (air cooled)	□ 30,000 Btu/h <sup>b</sup>	All	Split system, three phase	12.0 SEER	

			<u>Single Package, three phase</u>	<u>12.0 SEER</u>			
<u>Small-duct high-velocity (air cooled)</u>	<u>&lt; 65,000 Btu/h<sup>b</sup></u>	<u>All</u>	<u>Split System, three phase</u>	<u>11.0 SEER</u>			
<u>Air conditioners, air cooled</u>	<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>11.2 EER</u> <u>12.9 IEER</u>	<u>AHRI 340/360</u>		
		<u>All other</u>	<u>Split System and Single Package</u>	<u>11.0 EER</u> <u>12.7 IEER</u>			
	<u>□ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>11.0 EER</u> <u>12.4 IEER</u>			
		<u>All other</u>	<u>Split System and Single Package</u>	<u>10.8 EER</u> <u>12.2 IEER</u>			
	<u>□ 240,000 Btu/h and &lt; 760,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>10.0 EER</u> <u>11.6 IEER</u>			
		<u>All other</u>	<u>Split System and Single Package</u>	<u>9.8 EER</u> <u>11.4 IEER</u>			
	<u>□□760,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>9.7 EER</u> <u>11.2 IEER</u>			
		<u>All other</u>	<u>Split System and Single Package</u>	<u>9.5 EER</u> <u>11.0 IEER</u>			
	<u>Air conditioners, water cooled</u>	<u>&lt; 65,000 Btu/h<sup>b</sup></u>	<u>All</u>	<u>Split System and Single Package</u>		<u>12.1 EER</u> <u>12.3 IEER</u>	<u>AHRI 210/240</u>
		<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>		<u>12.1 EER</u> <u>13.9 IEER</u>	<u>AHRI 340/360</u>
			<u>All other</u>	<u>Split System and Single Package</u>		<u>11.9 EER</u> <u>13.7 IEER</u>	
		<u>□ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>		<u>12.5 EER</u> <u>13.9 IEER</u>	
<u>All other</u>			<u>Split System and Single Package</u>	<u>12.3 EER</u> <u>13.7 IEER</u>			
<u>□□240,000 Btu/h and &lt; 760,000 Btu/h</u>		<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>12.4 EER</u> <u>13.6 IEER</u>			
		<u>All other</u>	<u>Split System and Single Package</u>	<u>12.2 EER</u> <u>13.4 IEER</u>			
<u>□□760,000 Btu/h</u>		<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>12.2 EER</u> <u>13.5 IEER</u>			
		<u>All other</u>	<u>Split System and Single Package</u>	<u>12.0 EER</u> <u>13.3 IEER</u>			

<u>EQUIPMENT TYPE</u>	<u>SIZE CATEGORY</u>	<u>HEATING SECTION TYPE</u>	<u>SUB-CATEGORY OR RATING CONDITION</u>	<u>MINIMUM EFFICIENCY<sup>c</sup></u>	<u>TEST PROCEDURE<sup>a</sup></u>
<u>Air conditioners, evaporatively cooled</u>	<u>&lt; 65,000 Btu/h<sup>b</sup></u>	<u>All</u>	<u>Split System and Single Package</u>	<u>12.1 EER</u> <u>12.3 IEER</u>	<u>AHRI 210/240</u>          <u>AHRI 340/360</u>
	<u>□ □ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>12.1 EER</u> <u>12.3 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>11.9 EER</u> <u>12.1 IEER</u>	
	<u>□ □ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>12.0 EER</u> <u>12.2 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>11.8 EER</u> <u>12.0 IEER</u>	
	<u>□ 240,000 Btu/h and &lt; 760,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>11.9 EER</u> <u>12.1 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>11.7 EER</u> <u>11.9 IEER</u>	
	<u>□ 760,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>11.7 EER</u> <u>11.9 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>11.5 EER</u> <u>11.7 IEER</u>	
	<u>Condensing units, air cooled</u>	<u>□ 135,000 Btu/h</u>	<u>=</u>	<u>=</u>	
<u>Condensing units, water cooled</u>	<u>□ 135,000 Btu/h</u>	<u>=</u>	<u>=</u>	<u>13.5 EER</u> <u>14.0 IEER</u>	
<u>Condensing units, evaporatively cooled</u>	<u>□ 135,000 Btu/h</u>	<u>=</u>	<u>=</u>	<u>13.5 EER</u> <u>14.0 IEER</u>	

For SI: 1 British thermal unit per hour = 0.2931 W.

- Chapter C6 contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.
- Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by the U.S. Department of Energy Code of Federal Regulations 10 CFR 430. SEER values for single-phase products are set by the U.S. Department of Energy.
- See ASHRAE 90.1—2016 Informative Appendix F for the U.S. Department of Energy minimum efficiency requirements of single-phase air conditioners.

**Table C403.3.2(2) Minimum efficiency requirements: Electrically operated unitary and applied heat pumps**

Table C403.3.2(2) - Delete Table C403.3.2(2) in its entirety and add a new Table C403.3.2(2) to read as follows:

**TABLE C403.3.2(2)**  
**MINIMUM EFFICIENCY REQUIREMENTS: ELECTRICALLY OPERATED**  
**UNITARY AND APPLIED HEAT PUMPS**

<u>EQUIPMENT TYPE</u>	<u>SIZE CATEGORY</u>	<u>HEATING SECTION TYPE</u>	<u>SUBCATEGORY OR RATING CONDITION</u>	<u>MINIMUM EFFICIENCY<sup>c</sup></u>	<u>TEST PROCEDURE<sup>a</sup></u>
<u>Air cooled (cooling mode)</u>	<u>&lt; 65,000 Btu/h<sup>b</sup></u>	<u>All</u>	<u>Split System, three phase</u>	<u>14.0 SEER</u>	<u>AHRI 210/240</u>
			<u>Single Package, three phase</u>	<u>14.0 SEER</u>	
<u>Through-the-wall, air cooled (cooling mode)</u>	<u>□□30,000 Btu/h<sup>b</sup></u>	<u>All</u>	<u>Split System, three phase</u>	<u>12.0 SEER</u>	
			<u>Single Package, three phase</u>	<u>12.0 SEER</u>	
<u>Single-duct, high-velocity, air cooled</u>	<u>&lt; 65,000 Btu/h<sup>b</sup></u>	<u>All</u>	<u>Split System, three phase</u>	<u>11.0 SEER</u>	
<u>Air cooled (cooling mode)</u>	<u>□□65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>11.0 EER</u> <u>12.2 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>10.8 EER</u> <u>12.0 IEER</u>	
	<u>□□135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>10.6 EER</u> <u>11.6 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>10.4 EER</u> <u>11.4 IEER</u>	
	<u>□ 240,000 Btu/h</u>	<u>Electric Resistance (or None)</u>	<u>Split System and Single Package</u>	<u>9.5 EER</u> <u>10.6 IEER</u>	
		<u>All other</u>	<u>Split System and Single Package</u>	<u>9.3 EER</u> <u>10.4 IEER</u>	



<u>Water to Air, Water Loop (cooling mode)</u>	<u>&lt; 17,000 Btu/h</u>	<u>All</u>	<u>86°F entering water</u>	<u>12.2 EER</u>	<u>ISO 13256-1</u>
	<u>□ 17,000 Btu/h and &lt; 65,000 Btu/h</u>	<u>All</u>	<u>86°F entering water</u>	<u>13.0 EER</u>	
	<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>All</u>	<u>86°F entering water</u>	<u>13.0 EER</u>	
<u>Water to Air, Ground Water (cooling mode)</u>	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>59°F entering water</u>	<u>18.0 EER</u>	<u>ISO 13256-1</u>
<u>Brine to Air, Ground Loop (cooling mode)</u>	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>77°F entering fluid</u>	<u>14.1 EER</u>	<u>ISO 13256-1</u>
<u>Water to Water, Water Loop (cooling mode)</u>	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>86°F entering water</u>	<u>10.6 EER</u>	<u>ISO 13256-2</u>
<u>Water to Water, Ground Water (cooling mode)</u>	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>59°F entering water</u>	<u>16.3 EER</u>	
<u>Brine to Water, Ground Loop (cooling mode)</u>	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>77°F entering fluid</u>	<u>12.1 EER</u>	
<u>Air cooled (heating mode)</u>	<u>&lt; 65,000 Btu/h<sup>b</sup> (cooling capacity)</u>	<u>=</u>	<u>Split System, three phase</u>	<u>8.2 HSPF</u>	<u>AHRI 210/240</u>
		<u>=</u>	<u>Single Package, three phase</u>	<u>8.0 HSPF</u>	
<u>Through-the-wall, air cooled (heating mode)</u>	<u>□ □ 30,000 Btu/h<sup>b</sup> (cooling capacity)</u>	<u>=</u>	<u>Split System, three phase</u>	<u>7.4 HSPF</u>	
		<u>=</u>	<u>Single Package, three phase</u>	<u>7.4 HSPF</u>	
<u>Small-duct, high velocity, air cooled (heating mode)</u>	<u>&lt; 65,000 Btu/h<sup>b</sup></u>	<u>=</u>	<u>Split System, three phase</u>	<u>6.8 HSPF</u>	
<u>Air cooled (heating mode)</u>	<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>47°F db/43°F wb outdoor air</u>	<u>3.3 COP<sub>H</sub></u>	
			<u>17°F db/15°F wb outdoor air</u>	<u>2.25 COP<sub>H</sub></u>	

	$\square$ 135,000 Btu/h (cooling capacity)	=	47°F db/43°F wb outdoor air	3.2 COP <sub>H</sub>	
			17°F db/15°F wb outdoor air	2.05 COP <sub>H</sub>	
<u>Water to Air, Water Loop</u> (heating mode)	< 135,000 Btu/h (cooling capacity)	=	68°F entering water	4.3 COP <sub>H</sub>	ISO 13256-1
<u>Water to Air, Ground Water</u> (heating mode)	< 135,000 Btu/h (cooling capacity)	=	50°F entering water	3.7 COP <sub>H</sub>	
<u>Brine to Air, Ground Loop</u> (heating mode)	< 135,000 Btu/h (cooling capacity)	=	32°F entering fluid	3.2 COP <sub>H</sub>	
<u>Water to Water, Water Loop</u> (heating mode)	< 135,000 Btu/h (cooling capacity)	=	68°F entering water	3.7 COP <sub>H</sub>	ISO 13256-2
<u>Water to Water, Ground Water</u> (heating mode)	< 135,000 Btu/h (cooling capacity)	=	50°F entering water	3.1 COP <sub>H</sub>	
<u>Brine to Water, Ground Loop</u> (heating mode)	< 135,000 Btu/h (cooling capacity)	=	32°F entering fluid	2.5 COP <sub>H</sub>	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

- Chapter C6 contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.
- Single-phase, air-cooled heat pumps less than 65,000 Btu/h are regulated by the U.S. Department of Energy Code of Federal Regulations 10 CFR 430. SEER and HSPF values for single-phase products are set by the U.S. Department of Energy.
- See ASHRAE 90.1—2016 Informative Appendix F for the U.S. Department of Energy minimum efficiency requirements of single-phase air conditioners.

**Table C403.3.2(3) Minimum efficiency requirements: Electrically operated packaged terminal air conditioners, packaged terminal heat pumps, single-package vertical air conditioners, single-package vertical heat pumps, room air conditioners and room air-conditioner heat pumps**

Table C403.3.2(3) - Delete Table C403.3.2(3) in its entirety and add a new Table C403.3.2(3) to read as follows:

**TABLE C403.3.2(3)**  
**MINIMUM EFFICIENCY REQUIREMENTS: ELECTRICALLY OPERATED**  
**PACKAGED TERMINAL AIR CONDITIONERS,**  
**PACKAGED TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR**  
**CONDITIONERS, SINGLE-PACKAGE VERTICAL HEAT PUMPS, ROOM AIR**  
**CONDITIONERS AND ROOM AIR-CONDITIONER HEAT PUMPS**

<u>EQUIPMENT TYPE</u>	<u>SIZE CATEGORY (INPUT)</u>	<u>SUBCATEGORY OR RATING CONDITION</u>	<u>MINIMUM EFFICIENCY</u>	<u>TEST PROCEDURE<sup>a</sup></u>
<u>PTAC (cooling mode) standard size</u>	<u>All Capacities</u>	<u>95°F db outdoor air</u>	$\frac{14.0 - (0.300 \times \text{Cap}/1000)^c}{\text{EER}}$	<u>AHRI 310/380</u>
<u>PTAC (cooling mode) nonstandard size<sup>b</sup></u>	<u>All Capacities</u>	<u>95°F db outdoor air</u>	$\frac{10.9 - (0.213 \times \text{Cap}/1000)^c}{\text{EER}}$	
<u>PTHP (cooling mode) standard size</u>	<u>All Capacities</u>	<u>95°F db outdoor air</u>	$\frac{14.0 - (0.300 \times \text{Cap}/1000)^c}{\text{EER}}$	
<u>PTHP (cooling mode) nonstandard size<sup>b</sup></u>	<u>All Capacities</u>	<u>95°F db outdoor air</u>	$\frac{10.8 - (0.213 \times \text{Cap}/1000)^c}{\text{EER}}$	
<u>PTHP (heating mode) standard size</u>	<u>All Capacities</u>	=	$\frac{3.7 - (0.052 \times \text{Cap}/1000)^c}{\text{COP}_H}$	
<u>PTHP (heating mode) nonstandard size<sup>b</sup></u>	<u>All Capacities</u>	=	$\frac{2.9 - (0.026 \times \text{Cap}/1000)^c}{\text{COP}_H}$	
<u>SPVAC (cooling mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>95°F db/ 75°F wb outdoor air</u>	<u>11.0 EER</u>	<u>AHRI 390</u>
	<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h</u>		<u>10.0 EER</u>	
	<u>□ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>10.0 EER</u>	

<u>SPVHP (cooling mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>95°F db/ 75°F wb outdoor air</u>	<u>11.0 EER</u>	
	<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h</u>		<u>10.0 EER</u>	
	<u>□ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>10.0 EER</u>	
<u>SPVHP (heating mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>47°F db/ 43°F wb outdoor air</u>	<u>3.3 COP<sub>H</sub></u>	<u>AHRI 390</u>
	<u>□ 65,000 Btu/h and &lt; 135,000 Btu/h</u>		<u>3.0 COP<sub>H</sub></u>	
	<u>□ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>3.0 COP<sub>H</sub></u>	
<u>SPVAC (cooling mode), nonweatherized space constrained</u>	<u>&lt; 30,000 Btu/h</u>	<u>95°F db/ 75°F wb outdoor air</u>	<u>9.2 EER</u>	<u>AHRI 390</u>
	<u>&gt; 30,000 Btu/h and &lt; 36,000 Btu/h</u>		<u>9.0 EER</u>	
<u>SPVHP (cooling mode), nonweatherized space constrained</u>	<u>&lt; 30,000 Btu/h</u>	<u>95°F db/ 75°F wb outdoor air</u>	<u>9.2 EER</u>	
	<u>&gt; 30,000 Btu/h and &lt; 36,000 Btu/h</u>		<u>9.0 EER</u>	
<u>SPVHP (heating mode), nonweatherized space constrained</u>	<u>&lt; 30,000 Btu/h</u>	<u>47°F db/ 43°F wb outdoor air</u>	<u>3.0 COP<sub>H</sub></u>	
	<u>&gt; 30,000 Btu/h and &lt; 36,000 Btu/h</u>		<u>3.0 COP<sub>H</sub></u>	
<u>Room air conditioners, without reverse cycle, with louvered sides</u>	<u>&lt; 6,000 Btu/h</u>	<u>=</u>	<u>11.0 CEER</u>	
	<u>□ 6,000 Btu/h and &lt; 8,000 Btu/h</u>	<u>=</u>	<u>11.0 CEER</u>	
	<u>□ 8,000 Btu/h and &lt; 14,000 Btu/h</u>	<u>=</u>	<u>10.9 CEER</u>	
	<u>□ 14,000 Btu/h and &lt; 20,000 Btu/h</u>	<u>=</u>	<u>10.7 CEER</u>	
	<u>□ 20,000 Btu/h and &lt; 28,000 Btu/h</u>	<u>=</u>	<u>9.4 CEER</u>	
	<u>□ 28,000 Btu/h</u>	<u>=</u>	<u>9.0 CEER</u>	
<u>Room air conditioners, without reverse cycle, without louvered sides</u>	<u>&lt; 6,000 Btu/h</u>	<u>=</u>	<u>10.0 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
	<u>□ 6,000 Btu/h and &lt; 8,000 Btu/h</u>	<u>=</u>	<u>10.0 CEER</u>	
	<u>□ 8,000 Btu/h and &lt; 11,000 Btu/h</u>	<u>=</u>	<u>9.6 CEER</u>	

	<u>□ 11,000 Btu/h and &lt; 14,000 Btu/h</u>	=	<u>9.5 CEER</u>	
	<u>□ 14,000 Btu/h and &lt; 20,000 Btu/h</u>	=	<u>9.3 CEER</u>	
	<u>□ 20,000 Btu/h</u>	=	<u>9.4 CEER</u>	
<u>Room air-conditioners, with reverse cycle, with louvered sides</u>	<u>&lt; 20,000 Btu/h</u>	=	<u>9.8 CEER</u>	
	<u>□ 20,000 Btu/h</u>	=	<u>9.3 CEER</u>	
<u>Room air-conditioners, with reverse cycle, without louvered sides</u>	<u>&lt; 14,000 Btu/h</u>	=	<u>9.3 CEER</u>	
	<u>□ 14,000 Btu/h</u>	=	<u>8.7 CEER</u>	
<u>Room air conditioner, casement only</u>	<u>All capacities</u>	=	<u>9.5 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
<u>Room air conditioner, casement slider</u>	<u>All capacities</u>	=	<u>10.4 CEER</u>	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8, wb = wet bulb, db = dry bulb.

- a. Chapter C6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- b. Nonstandard size units must be factory labeled as follows: “MANUFACTURED FOR NONSTANDARD SIZE APPLICATIONS ONLY: NOT TO BE INSTALLED IN NEW STANDARD PROJECTS.” Nonstandard size efficiencies apply only to units being installed in existing sleeves having an external wall opening of less than 16 inches (406 mm) high or less than 42 inches (1067 mm) wide and having a cross-sectional area less than 670 in<sup>2</sup>.
- c. “Cap” means the rated cooling capacity of the product in Btu/h. If the unit’s capacity is less than 7,000 Btu/h, use 7,000 Btu/h in the calculation. If the unit’s capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculations.

**Table C403.3.2(4) Warm-air furnaces and combination warm-air furnaces/air conditioning units, warm-air duct furnaces and unit heaters, minimum efficiency requirements.**

Table C403.3.2(4) - Delete Table C403.3.2(4) in its entirety and add a new Table C403.3.2(4) to read as follows:

**TABLE C403.3.2(4)**  
**WARM-AIR FURNACES AND COMBINATION WARM-AIR FURNACES/AIR-CONDITIONING UNITS,**  
**WARM-AIR DUCT FURNACES AND UNIT HEATERS, MINIMUM EFFICIENCY REQUIREMENTS**

<b><u>EQUIPMENT TYPE</u></b>	<b><u>SIZE CATEGORY (INPUT)</u></b>	<b><u>SUBCATEGORY OR RATING CONDITION</u></b>	<b><u>MINIMUM EFFICIENCY</u></b>	<b><u>TEST PROCEDURE<sup>a</sup></u></b>
<u>Warm-air furnaces, gas fired</u>	<u>&lt; 225,000 Btu/h</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% AFUE or</u> <u>80% E<sub>t</sub><sup>b,d</sup></u>	<u>DOE 10 CFR Part 430 or Section 2.39, Thermal Efficiency, ANSI Z21.47</u>
	<u>□ 225,000 Btu/h</u>		<u>80% E<sub>t</sub><sup>d</sup></u>	<u>Section 2.39, Thermal Efficiency, ANSI Z21.47</u>
<u>Warm-air furnaces, oil fired</u>	<u>&lt; 225,000 Btu/h</u>	<u>Maximum capacity<sup>c</sup></u>	<u>83% AFUE or</u> <u>80% E<sub>t</sub><sup>b,d</sup></u>	<u>DOE 10 CFR Part 430 or Section 42, Combustion, UL 727</u>
	<u>□ 225,000 Btu/h</u>		<u>81% E<sub>t</sub><sup>d</sup></u>	<u>Section 42, Combustion, UL 727</u>
<u>Warm-air duct furnaces, gas fired</u>	<u>All capacities</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% E<sub>c</sub><sup>e</sup></u>	<u>Section 2.10, Efficiency, ANSI Z83.8</u>
<u>Warm-air unit heaters, gas fired</u>	<u>All capacities</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% E<sub>c</sub><sup>e,f</sup></u>	<u>Section 2.10, Efficiency, ANSI Z83.8</u>
<u>Warm-air unit heaters, oil fired</u>	<u>All capacities</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% E<sub>c</sub><sup>e,f</sup></u>	<u>Section 40, Combustion, UL 731</u>

For SI: 1 British thermal unit per hour = 0.2931 W.

- a. Chapter C6 contains a complete specification of the referenced test procedure, including the referenced year version of the procedure.
- b. Combination units not covered by the U.S. Department of Energy Code of Federal Regulations 10 CFR 430 (three-phase power or cooling capacity greater than or equal to 65,000 Btu/h) may comply with either rating.
- c. Compliance of multiple firing rate units shall be at the maximum firing rate.
- d. E<sub>t</sub> = thermal efficiency. Units must also include an interrupted or intermittent ignition device (IID), have jacket losses not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

- e.  $E_c$  = combustion efficiency (100 percent less flue losses). See test procedure for detailed discussion.
- f. As of August 8, 2008, according to the Energy Policy Act of 2005, units must also include an interrupted or intermittent ignition device (IID) and have either power venting or an automatic flue damper.

**Table C403.3.2(5) Minimum efficiency requirements: gas and oil-fired boilers.**

Table C403.3.2(5) - Delete Table C403.3.2(5) in its entirety and add a new Table C403.3.2(5) to read as follows:

**TABLE C403.3.2(5)**  
**MINIMUM EFFICIENCY REQUIREMENTS: GAS- AND OIL-FIRED BOILERS**

<u>EQUIPMENT TYPE</u> <sup>a</sup>	<u>SUBCATEGORY OR RATING CONDITION</u>	<u>SIZE CATEGORY (INPUT)</u>	<u>MINIMUM EFFICIENCY</u> <sup>b,c</sup>	<u>TEST PROCEDURE</u>	
<u>Boilers, hot water</u>	<u>Gas-fired</u>	$< 300,000 \text{ Btu/h}^{f,g}$	<u>82% AFUE</u>	<u>10 CFR Part 430</u>	
		$\square 300,000 \text{ Btu/h and}$ $\square 2,500,000 \text{ Btu/h}^d$	<u>80% E<sub>t</sub></u>	<u>10 CFR Part 431</u>	
		$> 2,500,000 \text{ Btu/h}^a$	<u>82% E<sub>c</sub></u>		
	<u>Oil-fired</u> <sup>c</sup>		$< 300,000 \text{ Btu/h}^g$	<u>84% AFUE</u>	<u>10 CFR Part 430</u>
			$\square 300,000 \text{ Btu/h and}$ $\square 2,500,000 \text{ Btu/h}^d$	<u>82% E<sub>t</sub></u>	<u>10 CFR Part 431</u>
			$> 2,500,000 \text{ Btu/h}^a$	<u>84% E<sub>c</sub></u>	
<u>Boilers, steam</u>	<u>Gas-fired</u>	$< 300,000 \text{ Btu/h}^f$	<u>80% AFUE</u>	<u>10 CFR Part 430</u>	
	<u>Gas-fired- all, except natural draft</u>	$\square 300,000 \text{ Btu/h and}$ $\square 2,500,000 \text{ Btu/h}^d$	<u>79% E<sub>t</sub></u>	<u>10 CFR Part 431</u>	
		$> 2,500,000 \text{ Btu/h}^a$	<u>79% E<sub>t</sub></u>		
	<u>Gas-fired-natural draft</u>	$\square 300,000 \text{ Btu/h and}$ $\square 2,500,000 \text{ Btu/h}^d$	<u>77% E<sub>t</sub></u> <u>79% E<sub>t</sub> (as of 3/2/2020)</u>		
		$> 2,500,000 \text{ Btu/h}^a$	<u>77% E<sub>t</sub></u> <u>79% E<sub>t</sub> (as of 3/2/2020)</u>		
	<u>Oil-fired</u> <sup>e</sup>		$< 300,000 \text{ Btu/h}$	<u>82% AFUE</u>	<u>10 CFR Part 430</u>
			$\square 300,000 \text{ Btu/h and}$ $\square 2,500,000 \text{ Btu/h}^d$	<u>81% E<sub>t</sub></u>	<u>10 CFR Part 431</u>
			$> 2,500,000 \text{ Btu/h}^a$	<u>81% E<sub>t</sub></u>	

For SI: 1 British thermal unit per hour = 0.2931 W.

a. These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.

b. E<sub>c</sub> = combustion efficiency (100 percent less flue losses). See reference document for detailed information.



- c.  $E_t$  = thermal efficiency. See reference document for detailed information.
- d. Maximum capacity—minimum and maximum ratings as provided for and allowed by the unit's controls.
- e. Includes oil-fired (residual).
- f. Boilers shall not be equipped with a constant burning pilot light.
- g. A boiler not equipped with a tankless domestic water-heating coil shall be equipped with an automatic means for adjusting the temperature of the water such that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of the water supplied.

**Table C403.3.2(6) Minimum efficiency requirements: condensing units, electrically operated.**

Table C403.3.2(6) - Delete Table C403.3.2(6) in its entirety.

**Table C403.3.2(7) Water chilling packages – efficiency requirements.**

Table C403.3.2(7) - Delete Table C403.3.2(7) in its entirety and add a new Table C403.3.2(6) to read as follows:

**TABLE C403.3.2(6)**  
**WATER CHILLING PACKAGES – EFFICIENCY REQUIREMENTS**<sup>a, b, d</sup>

<u>EQUIPMENT TYPE</u>	<u>SIZE CATEGORY</u>	<u>UNITS</u>	<u>Path A</u>	<u>Path B</u>	<u>TEST PROCEDURE<sup>c</sup></u>
<u>Air-cooled chillers</u>	<u>&lt; 150 Tons</u>	<u>EER (Btu/W)</u>	<u>□ 10.100 FL</u>	<u>□ 9.700 FL</u>	<u>AHRI 550/590</u>
			<u>□ 13.700 IPLV</u>	<u>□ 15.800 IPLV</u>	
	<u>□ 150 Tons</u>		<u>□ 10.100 FL</u>	<u>□ 9.700 FL</u>	
			<u>□ 14.000 IPLV</u>	<u>□ 16.100 IPLV</u>	
<u>Air cooled without condenser, electrically operated</u>	<u>All capacities</u>	<u>EER (Btu/W)</u>	<u>Air-cooled chillers without condenser shall be rated with matching condensers and complying with air-cooled chiller efficiency requirements.</u>		
<u>Water cooled, electrically operated positive displacement</u>	<u>&lt; 75 Tons</u>	<u>kW/ton</u>	<u>□ 0.750 FL</u>	<u>□ 0.780 FL</u>	
			<u>□ 0.600 IPLV</u>	<u>□ 0.500 IPLV</u>	
	<u>□ 75 tons and &lt; 150 tons</u>		<u>□ 0.720 FL</u>	<u>□ 0.750 FL</u>	
			<u>□ 0.560 IPLV</u>	<u>□ 0.490 IPLV</u>	
	<u>□ 150 tons and &lt; 300 tons</u>		<u>□ 0.660 FL</u>	<u>□ 0.680 FL</u>	
			<u>□ 0.540 IPLV</u>	<u>□ 0.440 IPLV</u>	
	<u>□ 300 tons and &lt; 600 tons</u>		<u>□ 0.610 FL</u>	<u>□ 0.625 FL</u>	

			<u>□ 0.520</u> <u>IPLV</u>	<u>□ 0.410</u> <u>IPLV</u>	
	<u>□ 600 tons</u>		<u>□ 0.560</u> <u>FL</u>	<u>□ 0.585 FL</u>	
			<u>□ 0.500</u> <u>IPLV</u>	<u>□ 0.380</u> <u>IPLV</u>	
<u>Water cooled,</u> <u>electrically</u> <u>operated</u> <u>centrifugal</u>	<u>&lt; 150 Tons</u>	<u>kW/ton</u>	<u>□ 0.610</u> <u>FL</u>	<u>□ 0.695 FL</u>	
			<u>□ 0.550</u> <u>IPLV</u>	<u>□ 0.440</u> <u>IPLV</u>	
	<u>□ 150 tons and &lt;</u> <u>300 tons</u>		<u>□ 0.610</u> <u>FL</u>	<u>□ 0.635 FL</u>	
			<u>□ 0.550</u> <u>IPLV</u>	<u>□ 0.400</u> <u>IPLV</u>	
	<u>□ 300 tons and &lt;</u> <u>400 tons</u>		<u>□ 0.560</u> <u>FL</u>	<u>□ 0.595 FL</u>	
			<u>□ 0.520</u> <u>IPLV</u>	<u>□ 0.390</u> <u>IPLV</u>	
	<u>□ 400 tons and &lt;</u> <u>600 tons</u>		<u>□ 0.560</u> <u>FL</u>	<u>□ 0.585 FL</u>	
			<u>□ 0.500</u> <u>IPLV</u>	<u>□ 0.380</u> <u>IPLV</u>	
			<u>□ 600 Tons</u>	<u>□ 0.560</u> <u>FL</u>	<u>□ 0.585 FL</u>
		<u>□ 0.500</u> <u>IPLV</u>	<u>□ 0.380</u> <u>IPLV</u>		
<u>Air cooled,</u> <u>absorption,</u> <u>single effect</u>	<u>All capacities</u>	<u>COP</u>	<u>□ 0.600</u> <u>FL</u>	<u>NA<sup>c</sup></u>	<u>AHRI 560</u>
<u>Water cooled</u> <u>absorption,</u> <u>single effect</u>	<u>All capacities</u>	<u>COP</u>	<u>□ 0.700</u> <u>FL</u>	<u>NA<sup>c</sup></u>	
<u>Absorption,</u> <u>double effect,</u> <u>indirect fired</u>	<u>All capacities</u>	<u>COP</u>	<u>□□ 1.000</u> <u>FL</u>	<u>NA<sup>c</sup></u>	
			<u>□ 1.050</u> <u>IPLV</u>		
	<u>All capacities</u>	<u>COP</u>	<u>□ 1.000</u> <u>FL</u>	<u>NA<sup>c</sup></u>	

<u>Absorption double effect direct fired</u>			<u>□ □ 1.050 IPLV</u>		
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- a. The requirements for centrifugal chillers shall be adjusted for nonstandard rating conditions in accordance with Section C403.3.2.1 and are only applicable for the range of conditions listed in Section C403.3.2.1. The requirements for air-cooled, water-cooled positive displacement and absorption chillers are at standard rating conditions defined in the reference test procedure.
- b. Both the full-load and IPLV requirements shall be met or exceeded to comply with this standard. Where there is a Path B, compliance can be with either Path A or Path B for any application.
- c. NA means the requirements are not applicable for Path B and only Path A can be used for compliance.
- d. FL represents the full-load performance requirements and IPLV the part-load performance requirements.

**Table C403.3.2(8) Minimum efficiency requirements: heat rejection equipment<sup>a, b, d.</sup>**

Table C403.3.2(8) - Delete Table C403.3.2(8) in its entirety and add a new Table C403.3.2(7) to read as follows:

**TABLE C403.3.2(7)**  
**MINIMUM EFFICIENCY REQUIREMENTS: HEAT REJECTION EQUIPMENT**

<u>EQUIPMENT TYPE</u>	<u>TOTAL SYSTEM HEAT REJECTION CAPACITY AT RATED CONDITIONS</u>	<u>SUBCATEGORY OR RATING CONDITION<sup>i</sup></u>	<u>PERFORMANCE REQUIRED<sup>a, b, c, d.</sup> g, h</u>	<u>TEST PROCEDURE<sup>e.</sup> f</u>
<u>Propeller or axial fan open-circuit cooling towers</u>	<u>All</u>	<u>95°F entering water 85°F leaving water 75°F entering wb</u>	<u>□ 40.2 gpm/hp</u>	<u>CTI ATC-105 and CTI STD-201 RS</u>
<u>Centrifugal fan open-circuit cooling towers</u>	<u>All</u>	<u>95°F entering water 85°F leaving water 75°F entering wb</u>	<u>□ 20.0 gpm/hp</u>	<u>CTI ATC-105 and CTI STD-201 RS</u>
<u>Propeller or axial fan closed-circuit cooling towers</u>	<u>All</u>	<u>102°F entering water 90°F leaving water 75°F entering wb</u>	<u>□ 16.1 gpm/hp</u>	<u>CTI ATC-105S and CTI STD-201 RS</u>
<u>Centrifugal fan closed- circuit cooling towers</u>	<u>All</u>	<u>102°F entering water 90°F leaving water 75°F entering wb</u>	<u>□ □ 7.0 gpm/hp</u>	<u>CTI ATC-105S and CTI STD-201 RS</u>
<u>Propeller or axial fan evaporative condensers</u>	<u>All</u>	<u>Ammonia Test Fluid 140°F entering gas temperature 96.3°F condensing temperature 75°F entering wb</u>	<u>□ 134,000 Btu/h □ hp</u>	<u>CTI ATC-106</u>

<u>Centrifugal fan evaporative condensers</u>	<u>All</u>	<u>Ammonia Test Fluid</u> <u>140°F entering gas temperature</u> <u>96.3°F condensing temperature</u> <u>75°F entering wb</u>	<u>□ 110,000 Btu/h □</u> <u>hp</u>	<u>CTI ATC-106</u>
<u>Propeller or axial fan evaporative condensers</u>	<u>All</u>	<u>R-507A Test Fluid</u> <u>165°F entering gas temperature</u> <u>105°F condensing temperature</u> <u>75°F entering wb</u>	<u>□ 157,000 Btu/h □</u> <u>hp</u>	<u>CTI ATC-106</u>
<u>Centrifugal fan evaporative condensers</u>	<u>All</u>	<u>R-507A Test Fluid</u> <u>165°F entering gas temperature</u> <u>105°F condensing temperature</u> <u>75°F entering wb</u>	<u>□ 135,000 Btu/h □</u> <u>hp</u>	<u>CTI ATC-106</u>
<u>Air-cooled condensers</u>	<u>All</u>	<u>125°F Condensing Temperature</u> <u>190°F Entering Gas</u> <u>Temperature</u> <u>15°F subcooling</u> <u>95°F entering db</u>	<u>□ 176,000 Btu/h □</u> <u>hp</u>	<u>AHRI 460</u>

For SI: °C = [(°F) - 32]/1.8, L/s • kW = (gpm/hp)/(11.83), COP = (Btu/h • hp)/(2550.7),

db = dry bulb temperature, °F, wb = wet bulb temperature, °F.

- a. The efficiencies and test procedures for both open- and closed-circuit cooling towers are not applicable to hybrid cooling towers that contain a combination of wet and dry heat exchange sections.
- b. For purposes of this table, open circuit cooling tower performance is defined as the water flow rating of the tower at the thermal rating condition, divided by the fan nameplate-rated motor power.
- c. For purposes of this table, closed-circuit cooling tower performance is defined as the process water flow rating of the tower at the thermal rating condition, divided by the sum of the fan motor nameplate power and the integral spray pump motor nameplate power.
- d. For purposes of this table, air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan motor nameplate power.
- e. Chapter C6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure. The certification requirements do not apply to field-erected cooling towers.
- f. Where a certification program exists for a covered product and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program; or, where a certification program exists for a covered product, and it includes provisions for verification and challenge of equipment efficiency ratings, but the product is not listed in the existing certification program, the ratings shall be verified by an independent laboratory test report.
- g. Cooling towers shall comply with the minimum efficiency listed in the table for that specific type of tower with the capacity effect of any project-specific accessories and/or options included in the capacity of the cooling tower.
- h. For purposes of this table, evaporative condenser performance is defined as the heat rejected at the specified rating condition in the table divided by the sum of the fan motor nameplate power and the integral spray pump nameplate power.
- i. Requirements for evaporative condensers are listed with ammonia (R-717) and R-507A as test fluids in the table. Evaporative condensers intended for use with halocarbon refrigerants other than R-507A shall meet the minimum efficiency requirements listed in this table with R-507A as the test fluid.

**Table C403.3.2(9) Minimum efficiency air conditioners and condensing units serving computer rooms.**

Table C403.3.2(9) - Renumber Table C403.3.2(9) as Table C403.3.2(8).

**Table C403.3.2(10) Heat transfer equipment.**

Table C403.3.2(10) – Renumber Table C403.3.2(10) as C403.3.2(9) and revise footnote a of such table to read as follows:

- a. Chapter C6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

**Table C403.3.2(10) Minimum efficiency requirements: electrically operated variable refrigerant flow air conditioners.**

Table C403.3.2(10) - Add a new Table C403.2.3(10) to read as follows:

**TABLE C403.3.2(10)**  
**MINIMUM EFFICIENCY REQUIREMENTS:**  
**ELECTRICALLY OPERATED VARIABLE-REFRIGERANT-FLOW AIR CONDITIONERS**

<b><u>EQUIPMENT TYPE</u></b>	<b><u>SIZE CATEGORY</u></b>	<b><u>HEATING SECTION TYPE</u></b>	<b><u>SUBCATEGORY OR RATING CONDITION</u></b>	<b><u>MINIMUM EFFICIENCY</u></b>	<b><u>TEST PROCEDURE</u></b>
<u>VRF air conditioners, air cooled</u>	<u>&lt; 65,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system</u>	<u>13.0 SEER</u>	<u>AHRI 1230</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>11.2 SEER 15.5 IEER</u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>11.0 EER 14.9 IEER</u>	
	<u>≥ 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>10.0 EER 13.9 IEER</u>	

**Table C403.3.2(11) Minimum efficiency requirements: electrically operated variable-refrigerant-flow air-to-air and applied heat pumps.**

Table C403.3.2(11) - Add a new Table C403.3.2(11) to read as follows:

**TABLE C403.3.2(11)**  
**MINIMUM EFFICIENCY REQUIREMENTS:**  
**ELECTRICALLY OPERATED VARIABLE-REFRIGERANT-FLOW AIR-TO-AIR AND APPLIED**  
**HEAT PUMPS**

<b><u>EQUIPMENT TYPE</u></b>	<b><u>SIZE CATEGORY</u></b>	<b><u>HEATING SECTION TYPE</u></b>	<b><u>SUBCATEGORY OR RATING CONDITION</u></b>	<b><u>MINIMUM EFFICIENCY</u></b>	<b><u>TEST PROCEDURE</u></b>
<b><u>VRF air cooled (cooling mode)</u></b>	<b><u>&lt; 65,000 Btu/h</u></b>	<b><u>All</u></b>	<b><u>VRF multisplit system</u></b>	<b><u>13.0 SEER</u></b>	<b><u>AHRI 1230</u></b>
	<b><u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u></b>	<b><u>Electric resistance (or none)</u></b>	<b><u>VRF multisplit system</u></b>	<b><u>11.0 EER 14.6 IEER</u></b>	
	<b><u>&gt; 65,000 Btu/h and &lt; 135,000 Btu/h</u></b>	<b><u>Electric resistance (or none)</u></b>	<b><u>VRF multisplit system with heat recovery</u></b>	<b><u>10.8 EER 14.4 IEER</u></b>	
	<b><u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u></b>	<b><u>Electric resistance (or none)</u></b>	<b><u>VRF multisplit system</u></b>	<b><u>10.6 EER 13.9 IEER</u></b>	
	<b><u>&gt; 135,000 Btu/h and &lt; 240,000 Btu/h</u></b>	<b><u>Electric resistance (or none)</u></b>	<b><u>VRF multisplit system with heat recovery</u></b>	<b><u>10.4 EER 13.7 IEER</u></b>	
	<b><u>≥ 240,000 Btu/h</u></b>	<b><u>Electric resistance (or none)</u></b>	<b><u>VRF multisplit system</u></b>	<b><u>9.5 EER 12.7 IEER</u></b>	
	<b><u>≥ 240,000 Btu/h</u></b>	<b><u>Electric resistance (or none)</u></b>	<b><u>VRF multisplit system with heat recovery</u></b>	<b><u>9.3 EER 12.5 IEER</u></b>	
	<b><u>&lt; 65,000 Btu/h</u></b>	<b><u>All</u></b>	<b><u>VRF multisplit systems 86°F entering water</u></b>	<b><u>12.0 EER 16 IEER</u></b>	
	<b><u>&lt; 65,000 Btu/h</u></b>	<b><u>All</u></b>	<b><u>VRF multisplit systems with heat recovery 86°F entering water</u></b>	<b><u>11.8 EER 15.8 IEER</u></b>	

<u>VRF water source (cooling mode)</u>	<u>≥ 65,000 Btu/h and &lt; 135,000</u>	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>12.0 EER</u> <u>16.0 IEER</u>	<u>AHRI 1230</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000</u>	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>11.8 EER</u> <u>15.8 IEER</u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>10.0 EER</u> <u>14.0 IEER</u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>9.8 EER</u> <u>13.8 IEER</u>	
	<u>≥ 240,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>10.0 EER</u> <u>12.0 IEER</u>	
	<u>≥ 240,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>9.8 EER</u> <u>11.8 IEER</u>	
<u>VRF ground source (cooling mode)</u>	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 59°F entering water</u>	<u>16.2 EER</u>	<u>AHRI 1230</u>
	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 59°F entering water</u>	<u>16.0 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 59°F entering water</u>	<u>13.8 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 59°F entering water</u>	<u>13.6 EER</u>	
	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 77°F entering water</u>	<u>13.4 EER</u>	
	<u>&lt; 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat</u>	<u>13.2 EER</u>	



<u>VRF ground source (cooling mode)</u>			<u>recovery 77°F entering water</u>		<u>AHRI 1230</u>
	<u>&gt; 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 77°F entering water</u>	<u>11.0 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 77°F entering water</u>	<u>10.8 EER</u>	
<u>VRF air cooled (heating mode)</u>	<u>&lt; 65,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system</u>	<u>7.7 HSPF</u>	<u>AHRI 1230</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system 47°F db/43°F wb outdoor air</u>	<u>3.3 COP<sub>H</sub></u>	
			<u>17°F db/15°F wb outdoor air</u>	<u>2.25 COP<sub>H</sub></u>	
	<u>≥ 135,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system 47°F db/43°F wb outdoor air</u>	<u>3.2 COP<sub>H</sub></u>	
			<u>17°F db/15°F wb outdoor air</u>	<u>2.05 COP<sub>H</sub></u>	
<u>VRF water source (heating mode)</u>	<u>&lt; 65,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system 68°F entering water</u>	<u>4.3 COP<sub>H</sub></u>	<u>AHRI 1230</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system 68°F entering water</u>	<u>4.3 COP<sub>H</sub></u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system 68°F entering water</u>	<u>4.0 COP<sub>H</sub></u>	
	<u>≥ 240,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system 68°F entering water</u>	<u>3.9 COP<sub>H</sub></u>	

VRF groundwater source (heating mode)	< 135,000 Btu/h (cooling capacity)	=	VRF multisplit system 50°F entering water	3.6 COP <sub>H</sub>	AHRI 1230
	≥ 135,000 Btu/h (cooling capacity)	=	VRF multisplit system 50°F entering water	3.3 COP <sub>H</sub>	
VRF ground source (heating mode)	< 135,000 Btu/h (cooling capacity)	=	VRF multisplit system 32°F entering water	3.1 COP <sub>H</sub>	AHRI 1230
VRF ground source (heating mode)	≥ 135,000 Btu/h (cooling capacity)	=	VRF multisplit system 32°F entering water	2.8 COP <sub>H</sub>	AHRI 1230

**Table C403.3.2(12) Vapor compression based indoor pool dehumidifiers - minimum efficiency requirements.**

Table C403.3.2(12) - Add a new Table C403.3.2(12) to read as follows:

**TABLE C403.3.2(12)**

**VAPOR COMPRESSION BASED INDOOR POOL DEHUMIDIFIERS – MINIMUM EFFICIENCY REQUIREMENTS**

<u>EQUIPMENT TYPE</u>	<u>SUBCATEGORY OR RATING CONDITION</u>	<u>MINIMUM EFFICIENCY</u>	<u>TEST PROCEDURE</u>
Single package indoor <sup>a</sup> (with or without economizer)	Rating Conditions: A, B, or C	3.5 MRE	AHRI 910
Single package indoor water-cooled (with or without economizer)		3.5 MRE	
Single package indoor air-cooled (with or without economizer)		3.5 MRE	
Split system indoor		3.5 MRE	

<u>air-cooled (with or without economizer)</u>			
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a. Units without air-cooled condenser.

**Table C403.3.2(13) Electrically operated dx-doas units, single-package and remote condenser, without energy recovery - minimum efficiency requirements.**

Table C403.3.2(13) - Add a new Table C403.3.2(13) to read as follows:

**TABLE C403.3.2(13)**

**ELECTRICALLY OPERATED DX-DOAS UNITS, SINGLE-PACKAGE AND REMOTE CONDENSER, WITHOUT ENERGY RECOVERY – MINIMUM EFFICIENCY REQUIREMENTS**

<b><u>EQUIPMENT TYPE</u></b>	<b><u>SUBCATEGORY OR RATING CONDITION</u></b>	<b><u>MINIMUM EFFICIENCY</u></b>	<b><u>TEST PROCEDURE</u></b>
<u>Air cooled (dehumidification mode)</u>		<u>4.0 ISMRE</u>	<u>AHRI 920</u>
<u>Air source heat pumps (dehumidification mode)</u>		<u>4.0 ISMRE</u>	<u>AHRI 920</u>
<u>Water cooled (dehumidification mode)</u>	<u>Cooling tower condenser water</u>	<u>4.9 ISMRE</u>	<u>AHRI 920</u>
	<u>Chilled Water</u>	<u>6.0 ISMRE</u>	
<u>Air source heat pump (heating mode)</u>		<u>2.7 ISCOP</u>	<u>AHRI 920</u>
<u>Water source heat pump (dehumidification mode)</u>	<u>Ground source, closed loop</u>	<u>4.8 ISMRE</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>5.0 ISMRE</u>	
	<u>Water source</u>	<u>4.0 ISMRE</u>	
<u>Water source heat pump (heating mode)</u>	<u>Ground source, closed loop</u>	<u>2.0 ISCOP</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>3.2 ISCOP</u>	
	<u>Water source</u>	<u>3.5 ISCOP</u>	

**Table C403.3.2(14) Electrically Operated DX-DOAS Units, Single-Package and Remote Condenser, with Energy Recovery – Minimum Efficiency Requirements**

Table C403.3.2(14) - Add a new Table C403.3.2(14) to read as follows:

**TABLE C403.3.2(14)****ELECTRICALLY OPERATED DX-DOAS UNITS, SINGLE-PACKAGE AND REMOTE CONDENSER,  
WITH ENERGY RECOVERY – MINIMUM EFFICIENCY REQUIREMENTS**

<b><u>EQUIPMENT TYPE</u></b>	<b><u>SUBCATEGORY OR RATING CONDITION</u></b>	<b><u>MINIMUM EFFICIENCY</u></b>	<b><u>TEST PROCEDURE</u></b>
<u>Air cooled (dehumidification mode)</u>		<u>5.2 ISMRE</u>	<u>AHRI 920</u>
<u>Air source heat pumps (dehumidification mode)</u>		<u>5.2 ISMRE</u>	<u>AHRI 920</u>
<u>Water cooled (dehumidification mode)</u>	<u>Cooling tower condenser water</u>	<u>5.3 ISMRE</u>	<u>AHRI 920</u>
	<u>Chilled Water</u>	<u>6.6 ISMRE</u>	
<u>Air source heat pump (heating mode)</u>		<u>3.3 ISCOP</u>	<u>AHRI 920</u>
<u>Water source heat pump (dehumidification mode)</u>	<u>Ground source, closed loop</u>	<u>5.2 ISMRE</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>5.8 ISMRE</u>	
	<u>Water source</u>	<u>4.8 ISMRE</u>	
<u>Water source heat pump (heating mode)</u>	<u>Ground source, closed loop</u>	<u>3.8 ISCOP</u>	<u>AHRI 920</u>
	<u>Ground-water source</u>	<u>4.0 ISCOP</u>	
	<u>Water source</u>	<u>4.8 ISCOP</u>	

**Section C403.3.2.1 Water-cooled centrifugal chilling packages (Mandatory).**

Section C403.3.2.1 - Revise Equation 4-7 to read as follows:

$$\frac{PLV}{adj} = \frac{IPLV}{K_{adj}} \quad \text{(Equation 4-7)}$$

where:

$\underline{K}_{adj}$	$\equiv$	$\underline{A} \times \underline{B}$
$\underline{FL}$	$\equiv$	<u>Full-load kW/ton value as specified in Table C403.3.2(6).</u>
$\underline{FL}_{adj}$	$\equiv$	<u>Maximum full-load kW/ton rating, adjusted for nonstandard conditions.</u>
$\underline{IPLV}$	$\equiv$	<u>Value as specified in Table C403.3.2(6).</u>
$\underline{PLV}_{adj}$	$\equiv$	<u>Maximum NPLV rating, adjusted for nonstandard conditions.</u>
$\underline{A}$	$\equiv$	$\underline{0.00000014592} \times (\text{LIFT})^4 - \underline{0.0000346496} \times (\text{LIFT})^3 + \underline{0.00314196} \times (\text{LIFT})^2$ $\underline{-0.147199} \times (\text{LIFT}) + \underline{3.9302}$
$\underline{B}$	$\equiv$	$\underline{0.0015} \times \underline{L}_{vg} \underline{E}_{vap} + \underline{0.934}$
$\underline{\text{LIFT}}$	$\equiv$	$\underline{L}_{vg} \underline{\text{Cond}} - \underline{L}_{vg} \underline{E}_{vap}$
$\underline{L}_{vg} \underline{\text{Cond}}$	$\equiv$	<u>Full-load condenser leaving fluid temperature (°F).</u>
$\underline{L}_{vg} \underline{E}_{vap}$	$\equiv$	<u>Full-load evaporator leaving temperature (°F).</u>

**Section C403.3.2.2 Positive displacement (air- and water-cooled) chilling packages (Mandatory).**

Section C403.3.2.2 - Revise Section C403.3.2.2 to read as follows:

**C403.3.2.2 Positive displacement (air- and water-cooled) chilling packages (Mandatory).** Equipment with a leaving fluid temperature higher than 32°F (0°C) and water-cooled positive displacement chilling packages with a condenser leaving fluid temperature below 115°F (46°C) shall meet the requirements of Table C403.3.2(6) when tested or certified with water at standard rating conditions, in accordance with the referenced test procedure.

**Section C403.3.5 Buildings with high efficiency space heating gas boiler systems.**

Section C403.3.5 – Add a new Section C403.3.5 read as follows:

**C403.3.5 Buildings with high efficiency space heating gas boiler systems.** New buildings where space heating is served by one or more gas hot water boilers with a minimum thermal efficiency (Et) of 90 percent when rated in accordance with the test procedures in Table C403.3.2(5) shall comply with this section, unless otherwise approved by the authority having jurisdiction. The hot water distribution system shall be designed so that the coils and other heat exchangers are selected such that at outdoor design conditions, the hot water return temperature entering the boilers is 120°F (49°C) or less when the boiler is firing.

**Table C403.4.4 Variable speed drive (VSD) requirements for demand controlled pumps.**

Table C403.4.4 – Revise the text in the last row of Table C403.4.4 to read as follows:

<u>CHILLED WATER AND HEAT REJECTION LOOP PUMPS IN THESE CLIMATE ZONES</u>	<u>HEATING WATER PUMPS IN THESE CLIMATE ZONES</u>	<u>VSD REQUIRED FOR MOTORS WITH RATED OUTPUT OF:</u>
=	4A	□□10 hp

**Section C403.5 Economizers (Prescriptive).**

Section C403.5 – Revise Items 2 and 3 of Section C403.5 to read as follows:

- 2. Individual fan systems with cooling capacity greater than or equal to 54,000 Btu/h (15.8 kW) serving other than Group R occupancies.

The total supply capacity of all fan cooling units serving other than Group R occupancies not provided with economizers shall not exceed 20 percent of the total supply capacity of all fan cooling units serving other than Group R occupancies or 300,000 Btu/h (88 kW), whichever is greater.

- 3. Individual fan systems with cooling capacity greater than or equal to 270,000 Btu/h (79.1 kW) serving Group R occupancies.

The total supply capacity of all fan cooling units serving Group R occupancies not provided with economizers shall not exceed 20 percent of the total supply capacity of all fan cooling units serving Group R occupancies or 1,500,000 Btu/h (440 kW), whichever is greater.

**Section C403.5.1 Integrated economizer control.**

Section C403.5.1 – Revise Item 2 of Section C403.5.1 to read as follows:

- 2. Direct expansion (DX) units that control 75,000 Btu/h (22 kW) or greater of rated capacity of the mechanical cooling directly based on occupied space temperature shall have not fewer than two stages of mechanical cooling capacity.

**Section C403.5.5 Economizer fault detection and diagnostics (Mandatory).**

Section C403.5.5 – Revise the first paragraph of Section C403.5.5 to read as follows:

Air-cooled unitary direct-expansion units listed in Tables C403.3.2(1) through C403.3.2(3) and variable refrigerant flow (VRF) units listed in Tables C403.3.2(10) and C403.3.2(11) that are equipped with an economizer in accordance with Sections C403.5 through C403.5.4 shall include a fault detection and diagnostics system complying with the following:

**Section C403.6.1 Variable air volume and multiple-zone systems.**

Section C403.6.1 – Revise Item 3 of Section C403.6.1 to read as follows:

- 3. The outdoor airflow rate required to meet the minimum ventilation requirements of Chapter 4 of the New York City Mechanical Code.

**Sections C403.6.6 Multiple-zone VAV system ventilation optimization control.**

Section C403.6.6 - Revise the first paragraph of Section C403.6.6 to read as follows:

Multiple-zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency ( $E_v$ ) as defined by the New York City Mechanical Code.

**Section C403.7.1 Demand control ventilation (Mandatory).**

Section C403.7.1 - Revise the first paragraph of Section C403.7.1 to read as follows:

Demand control ventilation (DCV) shall be provided for spaces larger than 500 square feet (46.5 m<sup>2</sup>) and with an average occupant load of 25 people or greater per 1,000 square feet (93 m<sup>2</sup>) of floor area, as established in the New York City Mechanical Code, and served by systems with one or more of the following:

**Section C403.7.2 Enclosed parking garage ventilation controls (Mandatory).**

Section C403.7.2 – Revise the first paragraph in Section C403.7.2 to read as follows:

Enclosed parking garages used for storing or handling automobiles operating under their own power shall employ contamination-sensing devices and automatic controls configured to stage fans or modulate fan average airflow rates to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels in accordance with New York City Mechanical Code provisions. Failure of contamination-sensing devices shall cause the exhaust fans to operate continuously at design airflow.

Section C403.7.2 – Revise Exception 1 of Section C403.7.2 to read as follows:

1. Garages with a total exhaust capacity less than 5,000 cfm (2 360 L/s) with ventilation systems that do not utilize heating or mechanical cooling.

**Section C403.7.4 Energy recovery ventilation systems (Mandatory).**

Section C403.7.4 – Revise Exception 1 of Section C403.7.4 to read as follows:

1. Where energy recovery systems are prohibited by the New York City Mechanical Code.

Section C403.7.4 - Revise Exception 8 of Section C403.7.4 to read as follows:

8. Where the sum of the airflow rates exhausted and relieved within 30 feet of each other is less than 75 percent of the design ventilation outdoor air flow rate, excluding exhaust air that is any of the following:
  - a. used for another energy recovery system,
  - b. not allowed by ASHRAE Standard 170 for use in energy recovery systems with leakage potential,
  - c. prohibited by the New York City Mechanical Code, or
  - d. of Class 4 as defined in ASHRAE 62.1.

**Section C403.7.7 Shutoff dampers (Mandatory).**

Section C403.7.7 – Add a new Exception to the first paragraph of Section C403.7.7 to read as follows:

**Exception:** Shutoff dampers are not required in ventilation or exhaust systems that are required by the New York City Mechanical Code to have fans that operate continuously, 24 hours per day, 7 days per week.

Section C403.7.7 - Revise the second paragraph of Section C403.7.7 to read as follows:

Outdoor air intake and exhaust dampers shall be installed with automatic controls configured to close when the systems or spaces served are not in use or during unoccupied period warm-up and setback operation, unless the systems served require outdoor or exhaust air in accordance with the New York City Mechanical Code or the dampers are opened to provide intentional economizer cooling.

Section C403.7.7 - Revise the Exception to Section 403.7.7, which appears after the third paragraph of such section, to read as follows:

**Exception:** Nonmotorized gravity dampers shall be an alternative to motorized dampers for exhaust and relief openings in any of the following conditions:

1. In buildings less than three stories in height above grade plane.
2. In buildings of any height located in Climate Zones 1, 2 or 3.
3. Where the design exhaust capacity is not greater than 300 cfm (142 L/s).

**Section C403.8.5.1 Fan airflow control.**

Section C403.8.5.1 - Revise Exception 2 of Section C403.8.5.1 to read as follows:

2. Where the volume of outdoor air required to comply with the ventilation requirements of the New York City Mechanical Code at low speed exceeds the air that would be delivered at the speed defined in Section C403.8.5, the minimum speed shall be selected to provide the required ventilation air.

**Section C403.9 Heat rejection equipment.**

Section C403.9 - Revise the Exception to Section C403.9 to read as follows:

**Exception:** Heat rejection devices where energy usage is included in the equipment efficiency ratings listed in Tables C403.3.2(1) and C403.3.2(7).

**Section C403.9.1 Fan speed control.**

Section C403.9.1 - Revise the last sentence of the first paragraph of Section C403.9.1 to read as follows:

Fan motor power input shall be not more than 30 percent of design wattage at 50 percent of the design airflow.

**Table C403.10.1(1) Minimum efficiency requirements: commercial refrigeration.**

Table C403.10.1(1) – Revise the title of Table C403.10.1(1) to read as follows:

**TABLE C403.10.1(1) COMMERCIAL REFRIGERATORS AND FREEZERS – MINIMUM EFFICIENCY REQUIREMENTS**

**Table C403.10.1(2) Minimum efficiency requirements: commercial refrigerators and freezers.**

Delete Table C403.10.1(2) in its entirety and add a new Table C403.10.1(2) to read as follows:



**TABLE C403.10.1(2) COMMERCIAL REFRIGERATION – MINIMUM EFFICIENCY REQUIREMENTS**

<b><u>EQUIPMENT TYPE</u></b>				<b><u>ENERGY USE LIMITS (kWh/day)<sup>a, b</sup></u></b>	<b><u>TEST PROCEDURE</u></b>
<b><u>Equipment Class<sup>c</sup></u></b>	<b><u>Family Code</u></b>	<b><u>Operating Mode</u></b>	<b><u>Rating Temperature</u></b>		
<u>VOP.RC.M</u>	<u>Vertical open</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.82 □ TDA + 4.07</u>	<u>AHRI 1200</u>
<u>SVO.RC.M</u>	<u>Semivertical open</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.83 □ TDA + 3.18</u>	
<u>HZO.RC.M</u>	<u>Horizontal open</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.35 □ TDA + 2.88</u>	
<u>VOP.RC.L</u>	<u>Vertical open</u>	<u>Remote condensing</u>	<u>Low</u>	<u>2.27 □ TDA + 6.85</u>	
<u>HZO.RC.L</u>	<u>Horizontal open</u>	<u>Remote condensing</u>	<u>Low</u>	<u>0.57 □ TDA + 6.88</u>	
<u>VCT.RC.M</u>	<u>Vertical transparent door</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.22 □ TDA + 1.95</u>	
<u>VCT.RC.L</u>	<u>Vertical transparent door</u>	<u>Remote condensing</u>	<u>Low</u>	<u>0.56 □ TDA + 2.61</u>	
<u>SOC.RC.M</u>	<u>Service over counter</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.51 □ TDA + 0.11</u>	
<u>VOP.SC.M</u>	<u>Vertical open</u>	<u>Self-contained</u>	<u>Medium</u>	<u>1.74 □ TDA + 4.71</u>	
<u>SVO.SC.M</u>	<u>Semivertical open</u>	<u>Self-contained</u>	<u>Medium</u>	<u>1.73 □ TDA + 4.59</u>	
<u>HZO.SC.M</u>	<u>Horizontal open</u>	<u>Self-contained</u>	<u>Medium</u>	<u>0.77 □ TDA + 5.55</u>	
<u>HZO.SC.L</u>	<u>Horizontal open</u>	<u>Self-contained</u>	<u>Low</u>	<u>1.92 □ TDA + 7.08</u>	
<u>VCT.SC.I</u>	<u>Vertical transparent door</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>0.67 □ TDA + 3.29</u>	
<u>VCS.SC.I</u>	<u>Vertical solid door</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>0.38 □ V + 0.88</u>	
<u>HCT.SC.I</u>	<u>Horizontal transparent door</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>0.56 □ TDA + 0.43</u>	
<u>SVO.RC.L</u>	<u>Semivertical open</u>	<u>Remote condensing</u>	<u>Low</u>	<u>2.27 □ TDA + 6.85</u>	
<u>VOP.RC.I</u>	<u>Vertical open</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>2.89 □ TDA + 8.7</u>	
<u>SVO.RC.I</u>	<u>Semivertical open</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>2.89 □ TDA + 8.7</u>	
<u>HZO.RC.I</u>	<u>Horizontal open</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>0.72 □ TDA + 8.74</u>	

<u>VCT.RC.I</u>	<u>Vertical transparent door</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>0.66 □ TDA + 3.05</u>	
<u>HCT.RC.M</u>	<u>Horizontal transparent door</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.16 □ TDA + 0.13</u>	

<u>EQUIPMENT TYPE</u>				<u>ENERGY USE LIMITS (kWh/day) <sup>a, b</sup></u>	<u>TEST PROCEDURE</u>
<u>Equipment Class<sup>c</sup></u>	<u>Family Code</u>	<u>Operating Mode</u>	<u>Rating Temperature</u>		
<u>HCT.RC.L</u>	<u>Horizontal transparent door</u>	<u>Remote condensing</u>	<u>Low</u>	<u>0.34 □□TDA + 0.26</u>	<u>AHRI 1200</u>
<u>HCT.RC.I</u>	<u>Horizontal transparent door</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>0.4 □ TDA + 0.31</u>	
<u>VCS.RC.M</u>	<u>Vertical solid door</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.11□□ V + 0.26</u>	
<u>VCS.RC.L</u>	<u>Vertical solid door</u>	<u>Remote condensing</u>	<u>Low</u>	<u>0.23□□ V + 0.54</u>	
<u>VCS.RC.I</u>	<u>Vertical solid door</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>0.27 □ V + 0.63</u>	
<u>HCS.RC.M</u>	<u>Horizontal solid door</u>	<u>Remote condensing</u>	<u>Medium</u>	<u>0.11 □ V + 0.26</u>	
<u>HCS.RC.L</u>	<u>Horizontal solid door</u>	<u>Remote condensing</u>	<u>Low</u>	<u>0.23□□ V + 0.54</u>	
<u>HCS.RC.I</u>	<u>Horizontal solid door</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>0.27□□ V + 0.63</u>	
<u>HCS.RC.I</u>	<u>Horizontal solid door</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>0.27 □ V + 0.63</u>	
<u>SOC.RC.L</u>	<u>Service over counter</u>	<u>Remote condensing</u>	<u>Low</u>	<u>1.08 □ TDA + 0.22</u>	
<u>SOC.RC.I</u>	<u>Service over counter</u>	<u>Remote condensing</u>	<u>Ice cream</u>	<u>1.26□□ TDA + 0.26</u>	
<u>VOP.SC.L</u>	<u>Vertical open</u>	<u>Self-contained</u>	<u>Low</u>	<u>4.37 □ TDA + 11.82</u>	
<u>VOP.SC.I</u>	<u>Vertical open</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>5.55 □ TDA + 15.02</u>	
<u>SVO.SC.L</u>	<u>Semivertical open</u>	<u>Self-contained</u>	<u>Low</u>	<u>4.34 □ TDA + 11.51</u>	
<u>SVO.SC.I</u>	<u>Semivertical open</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>5.52 □ TDA + 14.63</u>	
<u>HZO.SC.I</u>	<u>Horizontal open</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>2.44 □ TDA + 9.0</u>	
<u>SOC.SC.I</u>	<u>Service over counter</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>1.76 □ TDA + 0.36</u>	
<u>HCS.SC.I</u>	<u>Horizontal solid door</u>	<u>Self-contained</u>	<u>Ice cream</u>	<u>0.38 □ V + 0.88</u>	

a. V = Volume of the case in feet, as measured in accordance with Appendix C of AHRI 1200.

b. TDA = Total display area of the case in square feet, as measured in accordance with Appendix D of AHRI 1200.

c. Equipment class designations consist of a combination [in sequential order separated by periods (AAA).(BB).(C)] of:

<u>(AAA)</u>	<u>An equipment family code where:</u>
<u>VOP</u>	≡ <u>vertical open</u>
<u>SVO</u>	≡ <u>semivertical open</u>
<u>HZO</u>	≡ <u>horizontal open</u>
<u>VCT</u>	≡ <u>vertical transparent doors</u>
<u>VCS</u>	≡ <u>vertical solid doors</u>
<u>HCT</u>	≡ <u>horizontal transparent doors</u>
<u>HCS</u>	≡ <u>horizontal solid doors</u>
<u>SOC</u>	≡ <u>service over counter</u>

<u>(BB)</u>	<u>An operating mode code:</u>
<u>RC</u>	≡ <u>remote condensing</u>
<u>SC</u>	≡ <u>self-contained</u>

<u>(C)</u>	<u>A rating temperature code:</u>
<u>M</u>	≡ <u>medium temperature (38°F)</u>
<u>L</u>	≡ <u>low temperature (0°F)</u>
<u>I</u>	≡ <u>ice-cream temperature (15°F)</u>

For example, “VOP.RC.M” refers to the “vertical-open, remote-condensing, medium-temperature” equipment class.

### **Section C403.11.1 Duct and plenum insulation and sealing (Mandatory).**

Section C403.11.1 - Revise the last sentence of Section C403.11.1 to read as follows:

Joints and seams shall comply with the New York City Mechanical Code.

### **Section C403.11.2 Duct construction (Mandatory).**

Section C403.11.2 – Revise Section C403.11.2 to read as follows:

**C403.11.2 Duct construction (Mandatory).** Ductwork shall be constructed and erected in accordance with the New York City Mechanical Code.

### **Section C403.11.2.1 Low-pressure duct systems (Mandatory).**

Section C403.11.2.1- Revise the first paragraph of Section C403.11.2.1 to read as follows:

Longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches water gauge (w.g.) (498 Pa) shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer’s instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the New York City Mechanical Code.

**Section C403.11.2.2 Medium-pressure duct systems (Mandatory).**

Section C403.11.2.2 - Revise the last sentence of Section C403.11.2.2 to read as follows:

Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the New York City Mechanical Code.

**Section C403.11.3 Piping insulation (Mandatory).**

Section C403.11.3 – Delete Exception 4 of Section C403.11.3 in its entirety, and renumber Exceptions 5 and 6 of such Section as Exceptions 4 and 5, respectively, of such Section.

**SECTION C405****ELECTRICAL POWER AND LIGHTING SYSTEMS****Section C405.1 General (Mandatory).**

Section C405.1 - Add a new sentence to the end of the second paragraph of Section C405.1 to read as follows:

Lighting controls shall be commissioned and completed in accordance with the requirements of Section C408.3.

**Section C405.1.1 Exit Signs.**

Section C405.1.1 - Add a new Section C405.1.1 to read as follows:

**C405.1.1 Exit signs.** Internally illuminated exit signs shall not exceed 5 W per face.

**Section C405.2 Lighting controls (Mandatory).**

Section C405.2 – Revise Exception 2 of Section C405.2 to read as follows:

2. Interior exit stairways, interior exit ramps and exit passageways, as defined by the New York City Building Code.

**Section C405.2.1 Occupant sensor controls.**

Section C405.2.1 - Add new Items 12, 13 and 14 to Section C405.2.1 to read as follows:

- 12. Janitorial closets.
- 13. Corridors/transition areas.
- 14. Cafeteria and fast food dining areas.

**Section C405.2.1.1 Occupant sensor control function.**

Section C405.2.1.1 - Delete Section C405.2.1.1 in its entirety and add a new Section C405.2.1.1 to read as follows:

**C405.2.1.1 OCCUPANT SENSOR CONTROL FUNCTION.** Occupant sensor controls in warehouses shall comply with Section C405.2.1.2. Occupant sensor controls in open plan office areas, cafeteria dining areas, and fast food dining areas, 300 square feet (28 m<sup>2</sup>) or greater in area, shall comply with Section C405.2.1.3. Occupant sensor controls for all other spaces specified in Section C405.2.1 shall comply with the following:

1. They shall automatically turn off lights within 15 minutes after all occupants have left the space.
2. They shall be manual-on or controlled to automatically turn on the lighting to not more than 50-percent power.

**Exceptions:**

1. Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.
2. Manual-on controls shall be required for classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms), conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet (18.5 m<sup>2</sup>) in area. Such sensors and controls shall not have an override switch that converts from manual-on to automatic-on functionality, and 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.
3. They shall incorporate a manual control to allow occupants to turn off lights.

**Exception:** Remote location of this local control device or devices shall be permitted for reasons of safety or security when each remote control device has an indicator pilot light as part of or next to the control device and the light is clearly labeled to identify the controlled lighting.

**Section C405.2.1.3 Occupant sensor control function in open plan office areas.**

Section C405.2.1.3 - Revise Section C405.2.1.3 to read as follows:

**C405.2.1.3 OCCUPANT SENSOR CONTROL FUNCTION IN OPEN PLAN OFFICE AREAS, CAFETERIA DINING AREAS, AND FAST FOOD DINING AREAS.**

Occupant sensor controls in open plan office spaces, cafeteria dining areas, and fast food dining areas less than 300 square feet (28 m<sup>2</sup>) in area shall comply with Section C405.2.1.1. Occupant sensor controls in all other open plan office spaces, cafeteria dining spaces, and fast food dining spaces shall comply with all of the following:

1. The controls shall be configured so that general lighting can be controlled separately in control zones with floor areas not greater than 600 square feet (55 m<sup>2</sup>) within the open plan office space or dining space.
2. The controls shall automatically turn off general lighting in all control zones within 15 minutes after all occupants have left the open plan office space or dining space.
3. The controls shall be configured so that general lighting power in each control zone is reduced by not less than 80 percent of the full zone general lighting power in a reasonably uniform illumination pattern within 15 minutes of all occupants leaving that control zone. Control functions that switch control zone lights completely off when the zone is vacant meet this requirement.
4. The controls shall be configured such that any daylight responsive control will activate open plan office space general lighting or control zone general lighting only when occupancy for the same area is detected.

**Section C405.2.1.4 Occupant sensor control function for egress illumination.**

Section C405.2.1.4 - Add a new Section C405.2.1.4 to read as follows:

**C405.2.1.4 Occupant sensor control function for egress illumination.** In new buildings, luminaires serving the exit access and providing means of egress illumination required by the New York City Building Code, including luminaires that function as both normal and emergency means of egress illumination shall be controlled by a combination of listed emergency relay and occupancy sensors, or signal from another building control system, that automatically reduces the lighting power by 50 percent when unoccupied for a period longer than 15 minutes.

**Exceptions:**

1. Means of egress illumination serving the exit access that does not exceed 0.02 watts per square foot of building area is exempt from this requirement.
2. Emergency lighting designated to meet the requirements of the New York City Building Code.

**Section C405.2.3 Daylight-responsive controls.**

Section C405.2.3 - Revise Items 1 and 2 of Section C405.2.3 to read as follows:

1. Spaces with a total of more than 100 watts of general lighting within sidelit zones complying with Section C405.2.3.2. General lighting does not include lighting that is required to have specific application control in accordance with Section C405.2.4.
2. Spaces with a total of more than 100 watts of general lighting within toplit zones complying with Section C405.2.3.3.

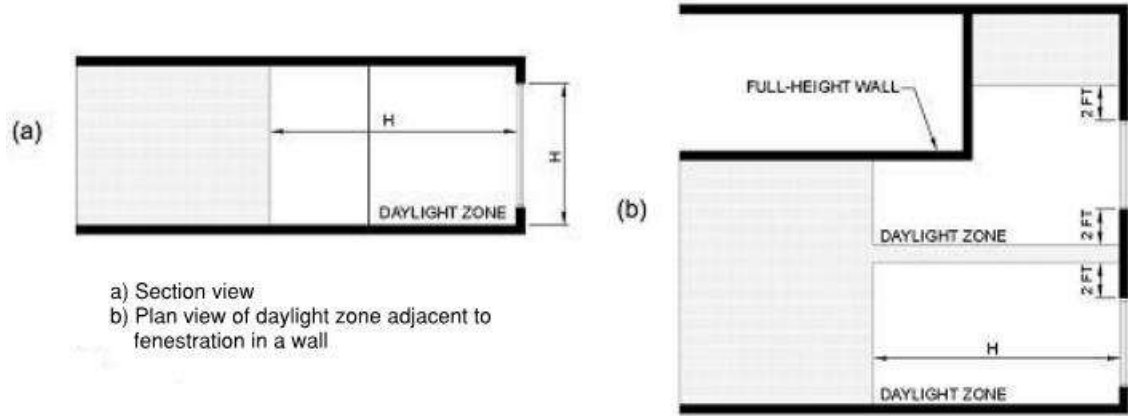
**Section C405.2.3.1 Daylight-responsive control function.**

Section C405.2.3.1 - Revise the Exception to Section C405.2.3.1 to read as follows:

**Exception:** Up to 100 watts of lighting in each space is permitted to be controlled together with lighting in a daylight zone facing a different cardinal orientation.

**Figure C405.2.3.2 Sidelit zone**

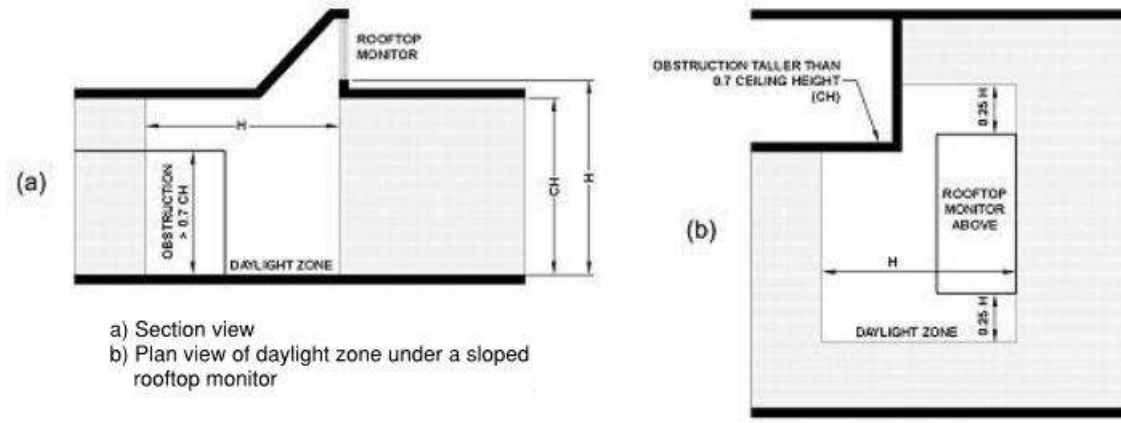
Figure C405.2.3.2 – Delete Figure C405.2.3.2 in its entirety and add a new Figure C405.2.3.2 to read as follows:



**FIGURE C405.2.3.2**  
**SIDELIT ZONE**

**Figure C405.2.3.3(3) Daylight zone under a sloped rooftop monitor**

Figure C405.2.3.3(3) – Delete Figure C405.2.3.3(3) in its entirety and add a new Figure C405.2.3.3(3) to read as follows:



**FIGURE C405.2.3.3(3)**  
**DAYLIGHT ZONE UNDER A SLOPED ROOFTOP MONITOR**

**Section C405.2.6 Exterior lighting controls.**

Section C405.2.6 – Revise the first sentence of Section C405.2.6 to read as follows:

Exterior lighting systems shall be provided with controls that comply with Sections C405.2.6.1 through C405.2.6.5.

**Section C405.2.6.3 Lighting setback.**

Section C405.2.6.3 - Delete Section C405.2.6.3 in its entirety and add a new Section C405.2.6.3 to read as follows:

**C405.2.6.3 Lighting setback.** Lighting that is not controlled in accordance with Section C405.2.6.2 shall be controlled so that the total wattage of such lighting is automatically reduced by not less than 50 percent by selectively switching off or dimming luminaires at one of the following times:

1. From not later than midnight to not earlier than 6 a.m.
2. From not later than one hour after business closing to not earlier than one hour before business opening.
3. During any time where activity has not been detected for 15 minutes or more.

**Section C405.2.6.5 Outdoor parking area lighting control.**

Section C405.2.6.5 – Add a new Section C405.2.6.5 to read as follows:

**C405.2.6.5 Outdoor parking area lighting control.** Luminaires serving outdoor parking areas and having a rated input wattage of greater than 78 W and a mounting height of 24 feet (7.3 m) or less above the ground shall be controlled to automatically reduce the power of each luminaire by a minimum of 50 percent when no activity has been detected in the area illuminated by the controlled luminaires for a time of no longer than 15 minutes. No more than 1500 W of lighting power shall be controlled together.



**Section C405.3.1 Total connected interior lighting power.**

Section C405.3.1- Revise the sentence after Equation 4-10 and its key, and before the enumerated list, in Section C405.3.1 to read as follows:

**Exception:** The connected power associated with the following lighting equipment and applications is not included in calculating total connected lighting power.

**Section C405.3.2 Interior lighting power allowance.**

Section C405.3.2- Add a new sentence to the end of the first paragraph to read as follows:

Buildings with unfinished spaces shall use the Space-by-Space Method.

**Table C405.3.2(1) Interior Lighting Power Allowances: Building Area Method**

Table C405.3.2(1) – Delete Table C405.3.2(1) in its entirety and add a new Table C405.3.2(1) to read as follows:

**TABLE C405.3.2(1)**  
**INTERIOR LIGHTING POWER ALLOWANCES:**  
**BUILDING AREA METHOD**

<b><u>BUILDING AREA TYPE</u></b>	<b><u>LPD (watts/sq.ft)</u></b>
<u>Automotive facility</u>	<u>0.64</u>
<u>Convention center</u>	<u>0.70</u>
<u>Courthouse</u>	<u>0.74</u>
<u>Dining: bar lounge/leisure</u>	<u>0.69</u>
<u>Dining: cafeteria/fast food</u>	<u>0.66</u>
<u>Dining: family</u>	<u>0.61</u>
<u>Dormitory<sup>a, b</sup></u>	<u>0.52</u>
<u>Exercise center</u>	<u>0.65</u>
<u>Fire station<sup>a</sup></u>	<u>0.50</u>
<u>Gymnasium</u>	<u>0.67</u>
<u>Health care clinic</u>	<u>0.68</u>
<u>Hospital<sup>a</sup></u>	<u>0.86</u>
<u>Hotel/Motel<sup>a, b</sup></u>	<u>0.70</u>
<u>Library</u>	<u>0.78</u>
<u>Manufacturing facility</u>	<u>0.60</u>
<u>Motion picture theater</u>	<u>0.62</u>

<u>Multifamily</u> <sup>c</sup>	<u>0.49</u>
<u>Museum</u>	<u>0.68</u>
<u>Office</u>	<u>0.69</u>
<u>Parking garage</u>	<u>0.12</u>
<u>Penitentiary</u>	<u>0.67</u>
<u>Performing arts theater</u>	<u>0.85</u>
<u>Police station</u>	<u>0.68</u>
<u>Post office</u>	<u>0.62</u>
<u>Religious building</u>	<u>0.72</u>
<u>Retail</u>	<u>0.91</u>
<u>School/university</u>	<u>0.67</u>
<u>Sports arena</u>	<u>0.76</u>
<u>Town hall</u>	<u>0.72</u>
<u>Transportation</u>	<u>0.51</u>
<u>Warehouse</u>	<u>0.41</u>
<u>Workshop</u>	<u>0.83</u>

a. Where sleeping units are excluded from lighting power calculations by application of Section R404.1, neither the area of the sleeping units nor the wattage of lighting in the sleeping units is counted.

b. Where dwelling units are excluded from lighting power calculations by application of Section R404.1, neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.

c. Dwelling units are excluded. Neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.

### **Table C405.3.2(2) Interior Lighting Power Allowances: Space-by-space Method**

Table C405.3.2(2) – Delete Table C405.3.2(2) in its entirety and add a new Table C405.3.2(2) to read as follows:

#### **TABLE C405.3.2(2)** **INTERIOR LIGHTING POWER ALLOWANCES:** **SPACE-BY-SPACE METHOD**

<b><u>COMMON SPACE TYPES</u></b> <sup>a</sup>	<b><u>LPD (watts/sq.ft)</u></b>
<u>Atrium</u>	
<u>Less than 40 feet in height</u>	<u>0.03 per foot</u> <u>in total height</u>

<u>Greater than 40 feet in height</u>	<u>0.40 + 0.02 per foot in total height</u>
<u>Audience seating area</u>	
<u>In an auditorium</u>	<u>0.63</u>
<u>In a convention center</u>	<u>0.65</u>
<u>In a gymnasium</u>	<u>0.43</u>
<u>In a motion picture theater</u>	<u>0.64</u>
<u>In a penitentiary</u>	<u>0.28</u>
<u>In a performing arts theater</u>	<u>2.03</u>
<u>In a religious building</u>	<u>1.53</u>
<u>In a sports arena</u>	<u>0.42</u>
<u>Otherwise</u>	<u>0.40</u>
<u>Banking activity area</u>	<u>0.79</u>
<u>Breakroom (See Lounge/breakroom)</u>	
<u>Classroom/lecture hall/training room</u>	
<u>In a penitentiary</u>	<u>1.06</u>
<u>Otherwise</u>	<u>0.74</u>
<u>Computer room</u>	<u>1.16</u>
<u>Conference/meeting/multipurpose room</u>	<u>0.93</u>
<u>Confinement cells</u>	<u>0.52</u>
<u>Copy/print room</u>	<u>0.50</u>
<u>Corridor</u>	
<u>In a facility for the visually impaired (and not used primarily by the staff)<sup>b</sup></u>	<u>0.81</u>
<u>In a hospital</u>	<u>0.81</u>
<u>In a manufacturing facility</u>	<u>0.28</u>
<u>Otherwise</u>	<u>0.58</u>
<u>Courtroom</u>	<u>1.06</u>
<u>Dining area</u>	
<u>In bar/lounge or leisure dining</u>	<u>0.62</u>
<u>In cafeteria or fast food dining</u>	<u>0.53</u>

<u>In a facility for the visually impaired (and not used primarily by the staff)<sup>b</sup></u>	<u>1.48</u>
<u>In family dining</u>	<u>0.54</u>
<u>In a penitentiary</u>	<u>0.72</u>
<u>Otherwise</u>	<u>0.53</u>
<u>Electrical/mechanical room</u>	<u>0.39</u>
<u>Emergency vehicle garage</u>	<u>0.41</u>
<u>Food preparation area</u>	<u>0.92</u>
<u>Guestroom<sup>c, d</sup></u>	<u>0.75</u>
<u>Laboratory</u>	
<u>In or as a classroom</u>	<u>1.04</u>
<u>Otherwise</u>	<u>1.45</u>
<u>Laundry/washing area</u>	<u>0.43</u>
<u>Loading dock, interior</u>	<u>0.51</u>
<u>Lobby</u>	
<u>For an elevator</u>	<u>0.52</u>
<u>In a facility for the visually impaired (and not used primarily by the staff)<sup>b</sup></u>	<u>2.03</u>
<u>In a hotel</u>	<u>0.68</u>
<u>In a motion picture theater</u>	<u>0.38</u>
<u>In a performing arts theater</u>	<u>0.82</u>
<u>Otherwise</u>	<u>0.90</u>
<u>Locker room</u>	<u>0.45</u>
<u>Lounge/breakroom</u>	
<u>In a healthcare facility</u>	<u>0.53</u>
<u>Otherwise</u>	<u>0.44</u>
<u>Office</u>	
<u>Enclosed</u>	<u>0.85</u>
<u>Open plan</u>	<u>0.78</u>
<u>Parking area, interior<sup>i</sup></u>	<u>0.11</u>
<u>Pharmacy area</u>	<u>1.23</u>

<u>Restroom</u>	
<u>In a facility for the visually impaired (and not used primarily by the staff<sup>b</sup>)</u>	<u>0.81</u>
<u>Otherwise</u>	<u>0.75</u>
<u>Sales area</u>	<u>1.06</u>
<u>Seating area, general</u>	<u>0.38</u>
<u>Stairway (see Space containing stairway)</u>	
<u>Stairwell</u>	<u>0.50</u>
<u>Storage room</u>	<u>0.43</u>
<u>Vehicular maintenance area</u>	<u>0.53</u>
<u>Workshop</u>	<u>1.09</u>
<b><u>BUILDING TYPE SPECIFIC SPACE TYPES<sup>a</sup></u></b>	<b><u>LPD (watts/sq.ft)</u></b>
<u>Automotive (see Vehicular maintenance area above)</u>	
<u>Convention Center—exhibit space</u>	<u>0.69</u>
<u>Dormitory—living quarters<sup>c, d</sup></u>	<u>0.46</u>
<u>Facility for the visually impaired<sup>b</sup></u>	
<u>In a chapel (and not used primarily by the staff)</u>	<u>0.89</u>
<u>In a recreation room (and not used primarily by the staff)</u>	<u>1.53</u>
<u>Fire Station—sleeping quarters<sup>c</sup></u>	<u>0.19</u>
<u>Gymnasium/fitness center</u>	
<u>In an exercise area</u>	<u>0.50</u>
<u>In a playing area</u>	<u>0.75</u>
<u>Healthcare facility</u>	
<u>In an exam/treatment room</u>	<u>1.16</u>
<u>In an imaging room</u>	<u>0.98</u>
<u>In a medical supply room</u>	<u>0.54</u>
<u>In a nursery</u>	<u>0.94</u>
<u>In a nurse's station</u>	<u>0.75</u>
<u>In an operating room</u>	<u>1.87</u>

<u>In a patient room<sup>c</sup></u>	<u>0.45</u>
<u>In a physical therapy room</u>	<u>0.84</u>
<u>In a recovery room</u>	<u>0.89</u>
<u>Library</u>	
<u>In a reading area</u>	<u>0.77</u>
<u>In the stacks</u>	<u>1.20</u>
<u>Manufacturing facility</u>	
<u>In a detailed manufacturing area</u>	<u>0.86</u>
<u>In an equipment room</u>	<u>0.61</u>
<u>In an extra-high-bay area (greater than 50' floor-to-ceiling height)</u>	<u>0.73</u>
<u>In a high-bay area (25-50' floor-to-ceiling height)</u>	<u>0.58</u>
<u>In a low-bay area (less than 25' floor-to-ceiling height)</u>	<u>0.61</u>
<u>Museum</u>	
<u>In a general exhibition area</u>	<u>0.61</u>
<u>In a restoration room</u>	<u>0.77</u>
<u>Performing arts theater—dressing room</u>	<u>0.35</u>
<u>Post office—sorting area</u>	<u>0.66</u>
<u>Religious buildings</u>	
<u>In a fellowship hall</u>	<u>0.54</u>
<u>In a worship/pulpit/choir area</u>	<u>0.98</u>
<u>Retail facilities</u>	
<u>In a dressing/fitting room</u>	<u>0.49</u>
<u>In a mall concourse</u>	<u>0.79</u>
<u>Sports arena—playing area</u>	
<u>For a Class I facility<sup>e,j</sup></u>	<u>2.26</u>
<u>For a Class II facility<sup>f,j</sup></u>	<u>1.45</u>
<u>For a Class III facility<sup>g,j</sup></u>	<u>1.08</u>
<u>For a Class IV facility<sup>h,j</sup></u>	<u>0.72</u>
<u>Transportation facility</u>	

<u>In a baggage/carousel area</u>	<u>0.40</u>
<u>In an airport concourse</u>	<u>0.31</u>
<u>At a terminal ticket counter</u>	<u>0.48</u>
<u>Warehouse—storage area</u>	
<u>For medium to bulky, palletized items</u>	<u>0.27</u>
<u>For smaller, hand-carried items</u>	<u>0.65</u>

- a. In cases where both a common space type and a building area specific space type are listed, the building area specific space type shall apply.
- b. A ‘Facility for the Visually Impaired’ is a facility that is licensed or will be licensed by local or state authorities for senior long-term care, adult daycare, senior support or people with special visual needs.
- c. Where sleeping units are excluded from lighting power calculations by application of Section R404.1, neither the area of the sleeping units nor the wattage of lighting in the sleeping units is counted.
- d. Where dwelling units are excluded from lighting power calculations by application of Section R404.1, neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.
- e. Class I facilities consist of professional facilities; and semiprofessional, collegiate, or club facilities with seating for 5,000 or more spectators.
- f. Class II facilities consist of collegiate and semiprofessional facilities with seating for fewer than 5,000 spectators; club facilities with seating for between 2,000 and 5,000 spectators; and amateur league and high-school facilities with seating for more than 2,000 spectators.
- g. Class III facilities consist of club, amateur league and high-school facilities with seating for 2,000 or fewer spectators.
- h. Class IV facilities consist of elementary school and recreational facilities; and amateur league and high-school facilities without provision for spectators.
- i. The wattage of lighting in daylight transition zones and ramps without parking is excluded.
- j. Pool surfaces are excluded. Neither the surface area of the swimming or spa pool nor the wattage of the lighting serving them shall be counted.

**Section C405.3.2.2 Space-by-Space Method.**

Section C405.3.2.2- Add a new sentence after the first sentence and before the last sentence of Section C405.3.2.2 to read as follows:

Where a building has unfinished spaces, the lighting power allowance for the unfinished spaces shall be the total connected lighting power for those spaces, or 0.2 watts per square foot, whichever is less.

**Table C405.4.2(2) Lighting Power Allowances for Building Exteriors**

Table C405.4.2(2) – Delete Table C405.4.2(2) in its entirety and add a new Table C405.4.2(2) to read as follows:

**TABLE C405.4.2(2)**  
**LIGHTING POWER ALLOWANCES FOR BUILDING EXTERIORS**

	<b>LIGHTING ZONES</b>			
	<b><u>Zone 1</u></b>	<b><u>Zone 2</u></b>	<b><u>Zone 3</u></b>	<b><u>Zone 4</u></b>
<u>Base Site Allowance</u>	<u>350 W</u>	<u>400 W</u>	<u>500 W</u>	<u>900 W</u>
<b><u>Uncovered Parking Areas</u></b>				
<u>Parking areas and drives</u>	<u>0.03W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>	<u>0.05W/ft<sup>2</sup></u>	<u>0.05W/ft<sup>2</sup></u>
<b><u>Building Grounds</u></b>				
<u>Walkways and ramps less than 10 feet wide</u>	<u>0.5 W/linear foot</u>	<u>0.5 W/linear foot</u>	<u>0.6 W/linear foot</u>	<u>0.7 W/linear foot</u>
<u>Walkways and ramps 10 feet wide or greater, plaza areas, special feature areas</u>	<u>0.10 W/ft<sup>2</sup></u>	<u>0.10 W/ft<sup>2</sup></u>	<u>0.11 W/ft<sup>2</sup></u>	<u>0.14 W/ft<sup>2</sup></u>
<u>Dining areas</u>	<u>0.65 W/ft<sup>2</sup></u>	<u>0.65 W/ft<sup>2</sup></u>	<u>0.75 W/ft<sup>2</sup></u>	<u>0.95 W/ft<sup>2</sup></u>
<u>Stairways</u>	<u>0.6 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>
<u>Pedestrian tunnels</u>	<u>0.12 W/ft<sup>2</sup></u>	<u>0.12 W/ft<sup>2</sup></u>	<u>0.14 W/ft<sup>2</sup></u>	<u>0.21 W/ft<sup>2</sup></u>
<u>Landscaping</u>	<u>0.03 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>
<b><u>Building Entrances and Exits</u></b>				
<u>Pedestrian and vehicular entrances and exits</u>	<u>12.6W/linear foot of opening</u>	<u>12.6W/linear foot of opening</u>	<u>20W/linear foot of opening</u>	<u>20W/linear foot of opening</u>
<u>Entry canopies</u>	<u>0.20 W/ft<sup>2</sup></u>	<u>0.25 W/ft<sup>2</sup></u>	<u>0.4 W/ft<sup>2</sup></u>	<u>0.4 W/ft<sup>2</sup></u>
<u>Loading docks</u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>
<b><u>Sales Canopies</u></b>				
<u>Free-standing and attached</u>	<u>0.40 W/ft<sup>2</sup></u>	<u>0.40 W/ft<sup>2</sup></u>	<u>0.6 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>
<b><u>Outdoor Sales</u></b>				
<u>Open areas (including vehicle sales lots)</u>	<u>0.20 W/ft<sup>2</sup></u>	<u>0.20 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.50 W/ft<sup>2</sup></u>
<u>Street frontage for vehicle sales lots in addition to "open area" allowance</u>	<u>No allowance</u>	<u>7 W/linear foot</u>	<u>7 W/linear foot</u>	<u>21 W/linear foot</u>

For SI: 1 foot = 304.8 mm. 1 watt per square foot = W/0.0929 m<sup>2</sup>.

W = watts.



**Table C405.4.2(3) Individual Lighting Power Allowances for Building Exteriors**

Table C405.4.2(3) - Revise the first footnote to Table C405.4.2(3) to read as follows:

For SI: 1 foot = 304.8 mm, 1 watt per square foot = W/0.0929 m<sup>2</sup>.

**Section C405.5 Dwelling electrical meter (Mandatory).**

Section C405.5- Delete Section C405.5 in its entirety and add new Sections C405.5, C405.5.1 and C405.5.2, to read as follows:

**C405.5 Electrical meter (Mandatory).** Electrical service within buildings shall comply with the following:

**C405.5.1 Dwelling electrical meter.** Each dwelling unit located in a Group R-2 building shall have a separate electrical meter.

**C405.5.2 Electrical meters for tenant spaces in covered buildings.** The terms meter, sub-meter, covered building, tenant space and covered tenant space shall have the same meanings as defined in Section 28-311.2 of the Administrative Code. Each covered tenant space in a new building shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy with an area less than that as defined in Section 28-311.2 of the Administrative Code shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

**Exception:** Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

**Section C405.8.1 Elevator cabs.**

Section C405.8.1- Revise the heading of Section C405.8.1 to read as follows:

**C405.8.1 Elevator equipment and cabs.**

**Section C405.8.1.1 Power conversion system.**

Section C405.8.1.1 - Add new Sections C405.8.1.1, C405.8.1.1.1, C405.8.1.1.2 and C405.8.1.1.3, to read as follows:

**C405.8.1.1 Power conversion system.** New traction elevators with a rise of 75 feet (23 m) or more in new buildings shall have a power conversion system that complies with Sections 405.8.1.1.1 through 405.8.1.1.3.

**C405.8.1.1.1 Motor.** Induction motors with a Class IE2 efficiency rating, as defined by IEC EN 60034-30, or alternative technologies, such as permanent magnet synchronous motors that have equal or better efficiency, shall be used.

**C405.8.1.1.2 Transmission.** Transmissions shall not reduce the efficiency of the combined motor/transmission below that shown for the Class IE2 motor for elevators with capacities below 4,000 pounds (1814 kg). Gearless machines shall be assumed to have a 100 percent transmission efficiency.

**C405.8.1.1.3 Drive.** Potential energy released during motion shall be recovered with a regenerative drive that supplies electrical energy to the building electrical system.

**C405.10 Commercial kitchen equipment.**

Section C405.10 - Add a new Section C405.10 to read as follows:

**C405.10 Commercial kitchen equipment.** Commercial kitchen equipment shall comply with the minimum efficiency requirements of Tables C405.10(1) through C405.10(5).

**TABLE C405.10(1)**  
**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL FRYERS**

	<b><u>HEAVY-LOAD COOKING ENERGY EFFICIENCY</u></b>	<b><u>IDLE ENERGY RATE</u></b>	<b><u>TEST PROCEDURE</u></b>
<u>Standard Open Deep-Fat Gas Fryers</u>	<u>≥ 50%</u>	<u>≤ 9,000 Btu/hr</u>	<u>ASTM Standard F1361-17</u>
<u>Standard Open Deep-Fat Electric Fryers</u>	<u>≥ 83%</u>	<u>≤ 800 watts</u>	
<u>Large Vat Open Deep-Fat Gas Fryers</u>	<u>≥ 50%</u>	<u>≤ 12,000 Btu/hr</u>	<u>ASTM Standard F2144-17</u>
<u>Large Vat Open Deep-Fat Electric Fryers</u>	<u>≥ 80%</u>	<u>≤ 1,100 watts</u>	

**TABLE C405.10(2)**  
**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL HOT FOOD HOLDING CABINETS**

<u>PRODUCT INTERIOR VOLUME (CUBIC FEET)</u>	<u>MAXIMUM IDLE ENERGY CONSUMPTION RATE (WATTS)</u>	<u>TEST PROCEDURE</u>
$0 < V < 13$	$\leq 21.5 V$	<u>ASTM Standard F2140-11</u>
$13 \leq V < 28$	$\leq 2.0 V + 254.0$	
$28 \leq V$	$\leq 3.8 V + 203.5$	

**TABLE C405.10(3)**  
**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL STEAM COOKERS**

<u>FUEL TYPE</u>	<u>PAN CAPACITY</u>	<u>COOKING ENERGY EFFICIENCY<sup>a</sup></u>	<u>IDLE RATE</u>	<u>TEST PROCEDURE</u>
<u>Electric Steam</u>	<u>3-pan</u>	<u>50%</u>	<u>400 watts</u>	<u>ASTM Standard F1484-18</u>
	<u>4-pan</u>	<u>50%</u>	<u>530 watts</u>	
	<u>5-pan</u>	<u>50%</u>	<u>670 watts</u>	
	<u>6-pan and larger</u>	<u>50%</u>	<u>800 watts</u>	
<u>Gas Steam</u>	<u>3-pan</u>	<u>38%</u>	<u>6,250 Btu/h</u>	
	<u>4-pan</u>	<u>38%</u>	<u>8,350 Btu/h</u>	
	<u>5-pan</u>	<u>38%</u>	<u>10,400 Btu/h</u>	
	<u>6-pan and larger</u>	<u>38%</u>	<u>12,500 Btu/h</u>	

a. Cooking Energy Efficiency is based on heavy load (potato) cooking capacity.

**TABLE C405.10(4)**  
**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL DISHWASHERS**

<u>MACHINE TYPE</u>	<u>HIGH TEMP EFFICIENCY REQUIREMENTS</u>		<u>LOW TEMP EFFICIENCY REQUIREMENTS</u>		<u>TEST PROCEDURE</u>
	<u>Idle Energy Rate<sup>a</sup></u>	<u>Water Consumption<sup>b</sup></u>	<u>Idle Energy Rate<sup>a</sup></u>	<u>Water Consumption<sup>b</sup></u>	
<u>Under Counter</u>	$\leq 0.50 \text{ kW}$	$\leq 0.86 \text{ GPR}$	$\leq 0.50 \text{ kW}$	$\leq 1.19 \text{ GPR}$	

<u>Stationary Single Tank Door</u>	$\leq 0.70$ kW	$\leq 0.89$ GPR	$\leq 0.60$ kW	$\leq 1.18$ GPR	<u>ASTM F1696-18</u>  <u>ASTM F1920-15</u>
<u>Pot, Pan, and Utensil</u>	$\leq 1.20$ kW	$\leq 0.58$ GPR	$\leq 1.00$ kW	$\leq 0.58$ GPR	
<u>Single Tank Conveyor</u>	$\leq 1.50$ kW	$\leq 0.70$ GPR	$\leq 1.50$ kW	$\leq 0.79$ GPR	
<u>Multiple Tank Conveyor</u>	$\leq 2.25$ kW	$\leq 0.54$ GPR	$\leq 2.00$ kW	$\leq 0.54$ GPR	
<u>Single Tank Flight Type</u>	<u>Reported</u>	$\text{GPH} \leq 2.975x + 55.00$	<u>Reported</u>	$\text{GPH} \leq 2.975x + 55.00$	
<u>Multiple Tank Flight Type</u>	<u>Reported</u>	$\text{GPH} \leq 4.96x + 17.00$	<u>Reported</u>	$\text{GPH} \leq 4.96x + 17.00$	

- a. Idle results shall be measured with the door closed and represent the total idle energy consumed by the machine including all tank heater(s) and controls. Booster heater (internal or external) energy consumption should not be part of this measurement unless it cannot be separately monitored per US EPA Energy Star Commercial Dishwasher Specification Version 2.0.
- b. GPR = gallons per rack; GPSF = gallons per square foot of rack; GPH = gallons per hour; x = sf of conveyer belt (i.e., W\*L)/min (maximum conveyer speed)

**TABLE C405.10(5)**  
**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL OVENS**

<u>FUEL TYPE</u>	<u>CLASSIFICATION</u>	<u>IDLE RATE</u>	<u>COOKING-ENERGY EFFICIENCY, %</u>	<u>TEST PROCEDURE</u>
<b><u>Convection Ovens</u></b>				
<u>Gas</u>	<u>Full-Size</u>	$\leq 12,000$ Btu/h	$\geq 46$	<u>ASTM F1496 - 13</u>
<u>Electric</u>	<u>Half-Size</u>	$\leq 1.0$ Btu/h	$\geq 71$	
	<u>Full-Size</u>	$\leq 1.60$ Btu/h		
<b><u>Combination Ovens</u></b>				
<u>Gas</u>	<u>Steam Mode</u>	$\leq 200P^a + 6,511$ Btu/h	$\geq 41$	<u>ASTM F2861 - 17</u>
	<u>Convection Mode</u>	$\leq 150P^a + 5,425$ Btu/h	$\geq 56$	
<u>Electric</u>	<u>Steam Mode</u>	$\leq 0.133P^a + 0.6400$ kW	$\geq 55$	

	<u>Convection Mode</u>	$\leq 0.080P^a + 0.4989$ <u>kW</u>	$\geq 76$	
<b><u>Rack Ovens</u></b>				
<u>Gas</u>	<u>Single</u>	$\leq 25,000$ Btu/h	$\geq 48$	<u>ASTM F2093 - 18</u>
	<u>Double</u>	$\leq 30,000$ Btu/h	$\geq 52$	

- a. P = Pan Capacity: The number of steam table pans the combination oven is able to accommodate as per the ASTM F1495 – 05 standard specification.

### **C405.11 Whole building energy monitoring.**

Section C405.11 - Add a new Section C405.11 to read as follows:

**C405.11 Whole building energy monitoring.** Measurement devices shall be installed in new buildings to individually monitor energy use of each of the following types of energy supplied by a utility, energy provider, or plant that is not within the building:

1. Natural gas
2. Fuel oil
3. Propane
4. Steam
5. Chilled water
6. Hot water

**Exceptions:**

1. Buildings less than 25,000 square feet (2 325 m<sup>2</sup>).
2. Group R buildings with less than 10,000 square feet (930 m<sup>2</sup>) of common area.
3. Fuel use for on-site emergency equipment.

### **C405.12 Whole building electrical monitoring.**

Section C405.12 - Add a new Section C405.12 to read as follows:

**C405.12 Whole building electrical monitoring.** Each new building shall have a measurement device capable of recording electrical energy use every 60 minutes and the capability to report that use on an hourly, daily, monthly and annual basis. The measurement device shall be capable of retaining the recorded data for 36 months.

**Exceptions:**

1. Buildings less than 25,000 square feet (2 325 m<sup>2</sup>).
2. Group R buildings with less than 10,000 square feet (930 m<sup>2</sup>) of common area.
3. Fuel use for on-site emergency equipment.

**SECTION C406**  
**ADDITIONAL EFFICIENCY PACKAGE OPTIONS**

**Section C406 Additional Efficiency Package Options.**

Section C406 – Delete Section C406 in its entirety and add a new Section C406 to read as follows:

**SECTION C406**  
**ADDITIONAL EFFICIENCY PACKAGE OPTIONS**

**C406.1 Requirements.** Buildings shall comply with one or more of the following:

1. More efficient HVAC equipment performance in accordance with Section C406.2.
2. Reduced lighting power in accordance with Section C406.3.
3. Enhanced digital lighting controls in accordance with Section C406.4.
4. Provision of a dedicated outdoor air system with energy recovery ventilation for certain HVAC equipment in accordance with Section C406.5.
5. High-efficiency service water heating in accordance with Section C406.6.
6. Enhanced envelope performance in accordance with Section C406.7.
7. Reduced air infiltration in accordance with Section C406.8.

**C406.1.1 Tenant spaces.** Tenant spaces shall comply with Section C406.2, C406.3, C406.4, C406.5 or C406.6.

**Exception:** Previously occupied tenant spaces that comply with this code in accordance with Section C501.

**C406.2 More efficient HVAC equipment performance.** Equipment shall exceed the minimum efficiency requirements listed in Tables C403.3.2(1) through C403.3.2(14) by 10 percent, in addition to the requirements of Section C403. Where multiple performance requirements are provided, the equipment shall exceed all requirements by 10 percent. Equipment not listed in Tables C403.3.2(1) through C403.3.2(14) shall be limited to 10 percent of the total building system capacity.

**C406.3 Reduced lighting power.** The total connected interior lighting power calculated in accordance with Section C405.3.1 shall be less than 90 percent of the total lighting power allowance calculated in accordance with Section C405.3.2.

**C406.4 Enhanced digital lighting controls.** Interior lighting in the building shall have the following enhanced lighting controls that shall be located, scheduled and operated in accordance with Sections C405.2.1 through C405.2.3.

1. Luminaires shall be configured for continuous dimming.
2. Luminaires shall be addressed individually. Where individual addressability is not available for the luminaire class type, a controlled group of not more than four luminaries shall be allowed.
3. Not more than eight luminaires shall be controlled together in a daylight zone.
4. Fixtures shall be controlled through a digital control system that includes the following function:

4.1. Control reconfiguration based on digital addressability.

4.2. Load shedding.

4.3. Individual user control of overhead general illumination in open offices.

4.4. Occupancy sensors shall be capable of being reconfigured through the digital control system.

5. Construction documents shall include submittal of a Sequence of Operations, including a specification outlining each of the functions in Item 4.

6. Functional testing of lighting controls shall comply with Section C408.

**C406.5 Dedicated outdoor air system.** Buildings containing equipment or systems regulated by Section C403.3.4, C403.4.3, C403.4.4, C403.4.5, C403.6, C403.8.4, C403.8.5, C403.8.5.1, C403.9.1, C403.9.2, C403.9.3 or C403.9.4 shall be equipped with an independent ventilation system designed to provide not less than the minimum 100-percent outdoor air to each individual occupied space, as specified by the New York City Mechanical Code. The ventilation system shall be equipped with an energy recovery system meeting the requirements of Section C403.7.4, without exception (Note: Section C406.5 cannot be selected where ERV is prohibited by the New York City Mechanical Code or otherwise prohibited). The HVAC system shall include supply-air temperature controls that automatically reset the supply-air temperature in response to representative building loads, or to outdoor air temperatures. The controls shall reset the supply-air temperature not less than 25 percent of the difference between the design supply-air temperature and the design room-air temperature.

**C406.6 Reduced energy use in service water heating.** Buildings shall be of the following types to use this compliance method:

1. Group R-1: Boarding houses, hotels or motels.
2. Group I-2: Hospitals, psychiatric hospitals and nursing homes.
3. Group A-2: Restaurants and banquet halls or buildings containing food preparation areas.
4. Group F: Laundries.
5. Group R-2.
6. Group A-3: Health clubs and spas.

**C406.6.1 Load fraction.** The building service water-heating system shall have one or more of the following that are sized to provide not less than 60 percent of the building's annual hot water requirements, or sized to provide 100 percent of the building's annual hot water requirements if the building shall otherwise comply with Section C403.9.5:

1. Waste heat recovery from service hot water, heat-recovery chillers, building equipment, or process equipment.
2. On-site renewable energy water-heating systems.

**C406.7 Enhanced envelope performance.** The thermal performance of the envelope as designed shall demonstrate a minimum 15 percent improvement compared to the prescriptive U-,C-, F-factor requirements of Section C402.1.4.

**C406.8 REDUCED AIR INFILTRATION.** Air infiltration shall be verified by whole-building pressurization testing conducted in accordance with ASTM E779 or ASTM E1827 by an independent third party. The measured air-leakage rate of the building envelope shall not exceed 0.25 cfm/ft<sup>2</sup> (2.0

L/s × m<sup>2</sup>) under a pressure differential of 0.3 inches water column (75 Pa), with the calculated surface area being the sum of the above- and below-grade building envelope. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the building owner.

**Exception:** For buildings having over 250,000 square feet (23 225.8 m<sup>2</sup>) of conditioned floor area, air leakage testing need not be conducted on the whole building where testing is conducted on representative above-grade sections of the building. Tested areas shall total not less than 25 percent of the conditioned floor area and shall be tested in accordance with this section.

## SECTION C407

### TOTAL BUILDING PERFORMANCE

#### Section C407 Total Building Performance.

Section C407 - Delete Section C407 in its entirety and add a new Section C407 to read as follows:

## SECTION C407

### TOTAL BUILDING PERFORMANCE

**C407.1 Scope.** This section establishes criteria for compliance using total building performance. Buildings following the total building performance path must comply with ASHRAE 90.1-2016 (as amended), as set forth in Appendix CA of this code, demonstrating compliance under Section 11 or Appendix G of such standard.

## SECTION C408

### MAINTENANCE INFORMATION

### AND SYSTEM COMMISSIONING

#### Section C408.2 Mechanical systems commissioning and completion requirements.

Section C408.2 - Delete Section C408.2 in its entirety and add a new Section C408.2 to read as follows:

**C408.2 Mechanical, renewable energy, and service water heating systems commissioning and completion requirements.** Prior to passing the final mechanical and plumbing inspections, the approved agency shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section.

Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the owner or owner's authorized agent and made available to the building official upon request in accordance with Sections C408.2.4 and C408.2.5.



Mechanical systems, renewable energy, and service water heating systems shall include but are not limited to, at a minimum, the following heating, ventilating, air conditioning, service water heating, indoor air quality and refrigeration systems (mechanical and/or passive) and associated controls:

1. Heating, cooling, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.
2. Air, water, and other energy recovery systems.
3. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy based control, including energy management functions of the building management system.
4. Plumbing, including insulation of piping and associated valves, domestic and process water pumping, and mixing systems.
5. Mechanical heating systems and service water heating systems.
6. Refrigeration systems.
7. Renewable energy and energy storage systems.
8. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use.

**Exceptions:** The following systems are exempt:

1. Mechanical systems and service water heating systems in new buildings, additions, or alterations where the total mechanical equipment capacity being installed or the total mechanical equipment connected load serving the alteration space is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.
2. Renewable energy systems being installed with a generating capacity of less than 25 kW.

### **Section C408.2.1 Commissioning plan.**

Section C408.2.1 – Revise the opening clause of Section C408.2.1 to read as follows:

A commissioning plan shall be developed by an approved agency and shall include the following items:

Section C408.2.1 - Revise Item 2 of Section C408.2.1 to read as follows:

2. A listing of the specific equipment, appliances or systems to be tested, their full sequences of operation, and a description of the tests to be performed, including prerequisite activities and reference to specific checklists or worksheets which are necessary or required by the department.

### **Section C408.2.2 Systems adjusting and balancing.**

Section C408.2.2 - Revise the first sentence of Section C408.2.2 to read as follows:

HVAC systems shall be balanced in accordance with ASHRAE 111, “Testing, Adjusting, and Balancing of Building HVAC Systems” or other accepted engineering standards as approved by the department.

#### **Section C408.2.2.1 Air systems balancing.**

Section C408.2.2.1 - Revise the first sentence of Section C408.2.2.1 to read as follows:

Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the New York City Mechanical Code.

Section C408.2.2.1 – Delete the Exception to Section C408.2.2.1 in its entirety.

**Section C408.2.3.1 Equipment.**

Section C408.2.3.1 - Revise the Exception to Section C408.2.3.1 to read as follows:

**Exception:** Unitary or packaged HVAC equipment listed in Tables C403.3.2(1) through C403.3.2(3) that do not require supply air economizers shall only be required to demonstrate functioning under full-load and part-load conditions.

**Section C408.2.4 Preliminary commissioning report.**

Section C408.2.4 – Revise the first sentence of Section C408.2.4 to read as follows:

A preliminary report of commissioning test procedures and results shall be completed and certified by the approved agency and provided to the building owner or owner’s authorized agent.

**Figure C408.2.4 Commissioning Compliance Checklist.**

Figure C408.2.4 – Revise Figure C408.2.4 to read as follows:

Job Number(s): \_\_\_\_\_ Job Name: \_\_\_\_\_

Job Address: \_\_\_\_\_

Commissioning Authority (Approved Agency): \_\_\_\_\_

Commissioning Plan (Section C408.2.1)

Commissioning Plan was used during construction and includes all items required by Section C408.2.1

Systems Adjusting and Balancing has been completed.

HVAC Equipment Functional Testing has been executed. If applicable, deferred and follow-up testing is scheduled to be provided on: \_\_\_\_\_

HVAC Controls Functional Testing has been executed. If applicable, deferred and follow-up testing is scheduled to be provided on: \_\_\_\_\_

Economizer Functional Testing has been executed. If applicable, deferred and follow-up testing is scheduled to be provided on: \_\_\_\_\_

Lighting Controls Functional Testing has been executed. If applicable, deferred and follow-up testing is scheduled to be provided on: \_\_\_\_\_

Service Water Heating System Functional Testing has been executed. If applicable, deferred and follow-up testing is scheduled to be provided on: \_\_\_\_\_

Manual, record documents and training have been completed or scheduled.

Preliminary Commissioning Report submitted to owner and includes all items required by Section C408.2.4.

I hereby certify that the commissioning authority (approved agency) has provided me with evidence of mechanical, service water heating and lighting systems commissioning in accordance with the 2020 NYCECC.

Signature of Building Owner or Owner's Representative \_\_\_\_\_ Date \_\_\_\_\_

**FIGURE C408.2.4**

**COMMISSIONING COMPLIANCE CHECKLIST**

**Section C408.2.4.1 Acceptance of report.**

Section C408.2.4.1 – Revise Section C408.2.4.1 to read as follows:

**C408.2.4.1 Acceptance of report.** Buildings, or portions thereof, shall not be considered as acceptable for a final inspection pursuant to Chapter 1 of this code until the building official has received a letter of transmittal from the building owner acknowledging that the building owner or owner's authorized agent has received the Preliminary Commissioning Report.

**Section C408.2.5 Documentation requirements.**

Section C408.2.5 - Revise Sections C408.2.5, C408.2.5.1 and C408.2.5.2, and add new Section C408.2.5.3 and C408.2.5.4, to read as follows:

**C408.2.5 Documentation requirements.** The construction documents shall specify that the documents described in Sections C408.2.5.1 through C408.2.5.3 be provided to the building owner or owner's authorized agent within 90 days of the date of receipt of the certificate of occupancy or letter of completion. The construction documents shall also specify that the Final Commissioning Report be provided to the building owner or owner's authorized agent in accordance with the requirements of Section C408.2.5.4.

**C408.2.5.1 Drawings.** Construction documents shall include the location and performance data on each piece of equipment.

**C408.2.5.2 Manuals.** An operating and maintenance manual shall be provided and include all of the following:

1. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.
2. Manufacturer's operation manuals and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
3. Name and address of at least one service agency.
4. HVAC and service hot water controls system maintenance and calibration information, including wiring diagrams, schematics and control sequence descriptions. Desired or field-determined set points shall be permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions.
5. Submittal data indicating all selected options for each piece of lighting equipment and lighting controls.
6. Operation and maintenance manuals for each piece of lighting equipment. Required routine maintenance actions, cleaning and recommended relamping shall be clearly identified.
7. A schedule for inspecting and recalibrating all lighting controls.
8. A narrative of how each system is intended to operate, including recommended set points.

**C408.2.5.3 System balancing report.** A written report describing the activities and measurements completed in accordance with Section C408.2.2.

**C408.2.5.4 Final commissioning report.** Within 30 months for new buildings 500,000 gross square feet (46 452 m<sup>2</sup>) or greater, excluding R-2 occupancies, or within 18 months for R-2 occupancies and all other buildings, of the issuance of the certificate of occupancy or letter of completion, an approved agency shall prepare a report of test procedures and results, including test procedures and results performed after occupancy, identified as the "Final Commissioning Report," provide such report to the building owner, and submit a certification to the department with applicable fees in accordance with department rules. The owner of a building 500,000 gross square feet (46 452 m<sup>2</sup>) or greater may apply for an extension of time to the building official based on good cause, in accordance with department rules. Such report shall include the following:

1. Results of functional performance tests.

2. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.
3. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

**Exception:** Deferred tests that cannot be performed at the time of report preparation due to climatic conditions.

### **Section C408.3.1 Functional testing.**

Section C408.3.1 - Revise the first sentence of Section C408.3.1 to read as follows:

Prior to passing final inspection, the approved agency shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's instructions.

### **Section C408.4 Air barrier commissioning.**

Section C408 - Add new Sections C408.4, C408.4.1, C408.4.2 and C408.4.3 to read as follows:

**C408.4 AIR BARRIER COMMISSIONING.** For new buildings or additions that are 10,000 gross square feet (929 m<sup>2</sup>) and greater, prior to passing final inspection, the approved agency shall provide evidence of air barrier commissioning and substantial completion in accordance with the provisions of Sections C408.4.1 through C408.4.3.

**C408.4.1 DOCUMENTATION.** Construction documents shall include documentation of the continuous air barrier components included in the design and a field inspection checklist that includes all requirements necessary for maintaining air barrier continuity and durability in accordance with Section C402.5.1.

**C408.4.2 FIELD INSPECTIONS.** Reports from field inspections during project construction showing compliance with continuous air barrier requirements including proper material handling and storage, use of approved materials and material substitutes, proper material and surface preparation, and air barrier continuity shall be provided to the owner and, upon request, to the building official. Air barrier continuity shall be determined by testing or inspecting each type of unique air barrier joint or seam in the building envelope for continuity and defects.

**C408.4.3 REPORT.** A Final Commissioning Report indicating compliance with the continuous air barrier requirements shall be provided to the building owner and, upon request, to the building official.

## **CHAPTER C5**

### **EXISTING BUILDINGS**

#### **SECTION C501**

##### **GENERAL**

**SECTION C501.4 COMPLIANCE.****SECTION C501.4 – DELETE SECTION C501.4 IN ITS ENTIRETY AND ADD A NEW SECTION C501.4 to read as follows:**

**C501.4 COMPLIANCE.** Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with (i) all applicable provisions of this code, (ii) the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the New York City Construction Codes, (iii) the New York City Fire Code, and (iv) the New York City Electrical Code.

**SECTION C502****ADDITIONS****Section C502.1 General.**

Section C502.1- Revise the second paragraph of Section C502.1 to read as follows:

Additions complying with ASHRAE 90.1-2016 (as amended), as set forth in Appendix CA of this code, need not comply with Sections C402, C403, C404 and C405.

**Section C502.2.3.1 Commissioning.**

Section C502.2.3.1 – Add a new Section C502.2.3.1 to read as follows:

**C502.2.3.1 Commissioning.** New heating, cooling and duct system components that are part of the addition and the controls that serve them shall comply with Section C408.

**Exception:** Mechanical systems where either the total equipment being installed or the total mechanical equipment connected load serving the addition is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water heating and space heating capacity.

**Section C502.2.4.1 Commissioning.**

Section C502.2.4.1 – Add a new Section C502.2.4.1 to read as follows:

**C502.2.4.1 Commissioning.** New service water heating system components that are part of the addition and the controls that serve them shall comply with Section C408.

**Exception:** Service water heating systems where either the total equipment being installed or the total equipment connected load serving the addition is less than 600,000 Btu/h (175.8 kW) combined service water heating and space heating capacity.

**SECTION C503****ALTERATIONS****Section C503.1 General.**

Section C503.1- Revise first sentence of the second paragraph of Section C503.1 to read as follows:

Alterations complying with ASHRAE 90.1-2016 (as amended), as set forth in Appendix CA of this code, need not comply with Sections C402, C403, C404 and C405.

Section C503.1- Revise Exception 8 of Section C503.1 to read as follows:

8. Alterations that replace less than ten percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

**Section C503.3.2 Vertical fenestration.**

Section C503.3.2- Revise Section C503.3.2, to read as follows:

**C503.3.2 Vertical fenestration.** The addition of vertical fenestration that results in a total building fenestration area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.1.5, C402.4.3 or C407. The addition of vertical fenestration that results in a total building fenestration area greater than Section C402.4.1 shall comply with Section C402.4.1.1 for the space adjacent to the new fenestration only. Alterations that result in a total building vertical fenestration area exceeding that specified in Section C402.4.1.1 shall comply with Section C402.1.5 or C407.

**C503.3.4 Application to replacement fenestration products.**

Section C503.3.4 - Add a new Section C503.3.4 to read as follows:

**C503.3.4 Application to replacement fenestration products.** Where some portion or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC in Table C402.4.

**Exception:** An area-weighted average of the U-factor of replacement fenestration products being installed in the building for each fenestration product category listed in Table C402.4 shall be permitted to satisfy the U-factor requirements for each fenestration product category listed in Table C402.4. Individual fenestration products from different product categories listed in Table C402.4 shall not be combined in calculating the area-weighted average U-factor.

**Section C503.4 .2 Commissioning.**

Section C503.4.2 – Add a new Section C503.4.2 to read as follows:

**C503.4.2 Commissioning.** New heating, cooling and duct systems components that are part of the alteration and the controls that serve them shall comply with Section C408.

**Exception:** Mechanical systems where the total equipment being installed or the total mechanical equipment connected load serving the alteration is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water heating and space heating capacity.

**Section C503.5.1 Commissioning.**

Section C503.5.1 – Add a new Section C503.5.1 to read as follows:

**C503.5.1 Commissioning.** New service water heating system components that are part of the alteration and the controls that serve them shall comply with Section C408.

**Exception:** Service water heating systems where the total equipment being installed or the total equipment connected load serving the alteration is less than 600,000 Btu/h (175.8 kW) combined service water heating and space heating capacity.

**CHAPTER C6**  
**REFERENCED STANDARDS**

Chapter C6 – Delete Chapter C6 in its entirety and add a new chapter C6 to read as follows:

**CHAPTER C6**  
**REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of the commercial provisions of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section ECC 105. 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.

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**AAMA**

American Architectural  
Manufacturers Association  
1827 Walden Office  
Square  
Suite 550  
Schaumburg, IL 60173-  
4268

**AAMA/WDMA/CSA 101/LS.2/A C440—17: North American Fenestration Standard/Specifications for Windows,  
Doors and Unit Skylights**

Table C402.5.2

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**ACCA**

Air Conditioning  
Contractors of America  
2800 Shirlington Road  
#300  
Arlington, VA 22206



**ANSI/ASHRAE/ACCA Standard 183—2007 (RA2014): Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings**

C403.1.1

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**AHAM**

Association of Home  
Appliance Manufacturers  
1111 19th Street NW,  
Suite 402  
Washington, DC 20036

**AHAM HRF-1—2016: Energy, Performance and Capacity of Household Refrigerators, Refrigerator-Freezers and Freezers**

Table C403.10.1(1)

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**AHRI**

Air-Conditioning, Heating,  
& Refrigeration Institute  
2111 Wilson Blvd, Suite  
500  
Arlington, VA 22201

**ISO/AHRI/ASHRAE 13256-1 (1998 RA2014): Water-to-Air and Brine-to-Air Heat Pumps—Testing and Rating for Performance**

Table C403.3.2(2)

**ISO/AHRI/ASHRAE 13256-2 (1998 RA2014): Water-to-Water and Brine-to-Water Heat Pumps —Testing and Rating for Performance**

Table C403.3.2(2)

**210/240—2016: Performance Rating of Unitary Air-conditioning and Air-source Heat Pump Equipment**

Table C403.3.2(1), Table C403.3.2(2)

**310/380—2014 (CSA-C744-04): Standard for Packaged Terminal Air Conditioners and Heat Pumps**

Table C403.3.2(3)

**340/360—2015: Performance Rating of Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment**

Table C403.3.2(1), Table C403.3.2(2)

**365(I-P)—2009: Commercial and Industrial Unitary Air-conditioning Condensing Units**

Table C403.3.2(1)

**390 (I-P)—2015: Performance Rating of Single Package Vertical Air-conditioners and Heat Pumps**

Table C403.3.2(3)

**400 (I-P)—2015: Performance Rating of Liquid to Liquid Heat Exchangers**

Table C403.3.2(9)

**440—2008: Performance Rating of Room Fan Coils—with Addendum 1**

C403.11.3

**460—2005: Performance Rating of Remote Mechanical-draft Air-cooled Refrigerant Condensers**

Table C403.3.2(7)

**550/590 (I-P)—2015: Performance Rating of Water-chilling and Heat Pump Water-heating Packages Using the Vapor Compression Cycle**

C403.3.2.1, Table C403.3.2(6)

**560—00: Absorption Water Chilling and Water Heating Packages**

Table C403.3.2(6)

**840—15: Performance Rating of Unit Ventilators**

C403.11.3

**910—2014: Performance Rating of Indoor Pool Dehumidifiers**

Table C403.3.2(12)

**920—2015: Performance Rating of DX-Dedicated Outdoor Air System Units**

C202, Table C403.3.2(13), Table C403.3.2(14)

**1160 (I-P) —2014: Performance Rating of Heat Pump Pool Heaters**

Table C404.2

**1200 (I-P)—2013: Performance Rating of Commercial Refrigerated Display Merchandisers and Storage Cabinets**

C403.10, Table C403.10.1(1), Table C403.10.1(2)

**ANSI/AHRI 1230—10 with Addendum 1: Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-Conditioning and Heat Pump Equipment**

Table C403.3.2(10), Table C403.3.2(11)

**AMCA**

Air Movement and Control  
Association International  
30 West University Drive  
Arlington Heights, IL  
60004-1806

**205—12: Energy Efficiency Classification for Fans**

C403.8.3

**500D—12: Laboratory Methods for Testing Dampers for Rating**

C403.7.7

**ANSI**

American National  
Standards Institute  
25 West 43rd Street, 4th  
Floor  
New York, NY 10036

**ANSI/ASHRAE/ACCA Standard 183—2007 (RA2014): Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings**

C403.1.1

**ANSI/AHRI 1230—10 with Addendum 1: Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-Conditioning and Heat Pump Equipment**

Table C403.3.2(10), Table C403.3.2(11)

**ANSI/ASHRAE/IESNA 90.1-2016: Energy Standard for Buildings Except Low-rise Residential Buildings**

CH1 (Intro Statement), 101.1.1, C202

**ANSI/ASHRAE / IES 90.1—2016 (AS AMENDED) with revisions as set forth in Appendix CA of this code**

101.1.1, 101.5.1.1, 105.1, C202, C401.2, Table C402.1.3, Table  
C402.1.4, C402.6.1, Table C403.3.2(1), Table C403.3.2(2), C407.1,  
C501.7, C502.1, C503.1, C504.1

**ANSI/CRRC-S100—2016: Standard Test Methods for Determining Radiative Properties of Materials**

Table C402.3, C402.3.1

**ANSI/DASMA 105—2016: Test Method for Thermal Transmittance and Air Infiltration of Garage Doors and Rolling Doors**

C303.1.3, Table C402.5.2

**Z21.10.3/CSA 4.3—11: Gas Water Heaters, Volume III—Storage Water Heaters with Input Ratings Above 75,000 Btu per Hour, Circulating Tank and Instantaneous**

Table C404.2

**Z21.47/CSA 2.3—12: Gas-fired Central Furnaces**

Table C403.3.2(4)

**Z83.8/CSA 2.6—09: Gas Unit Heaters, Gas Packaged Heaters, Gas Utility Heaters and Gas-fired Duct Furnaces**

Table C403.3.2(4)

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## **APSP**

The Association of Pool &  
Spa Professionals  
2111 Eisenhower Avenue,  
Suite 580  
Alexandria, VA 22314

**14—2014: American National Standard for Portable Electric Spa Energy Efficiency**

C404.10

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## **ASHRAE**

ASHRAE  
1791 Tullie Circle NE  
Atlanta, GA 30329

**ANSI/ASHRAE/IESNA 90.1—2016: Standard for Buildings Except Low-rise Residential Buildings**

CH1 (Intro Statement), 101.1.1, C202

**ANSI / ASHRAE / IES 90.1—2016 (AS AMENDED) with revisions as set forth in Appendix CA of this code**

101.1.1, 101.5.1.1, 105.1, C202, C401.2, Table C402.1.3, Table  
C402.1.4, C402.6.1, Table C403.3.2(1), Table C403.3.2(2),  
C407.1, C501.7, C502.1, C503.1, C504.1

**ASHRAE 111—2008: Testing, Adjusting, and Balancing of Building HVAC Systems**

C408.2.2

**ASHRAE 127—2007: Method of Testing for Rating Computer**

Table C403.3.2(8)

**ASHRAE Standard 170—2013**C403.7.4**ANSI/ASHRAE/ACCA Standard 183—2007 (RA2014): Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings**C403.1.1**ASHRAE—2016: ASHRAE HVAC Systems and Equipment Handbook**C403.1.1**ISO/AHRI/ASHRAE 13256-1 (1998 RA2014): Water-to-Air and Brine-to-Air Heat Pumps—Testing and Rating for Performance**Table C403.3.2(2)**ISO/AHRI/ASHRAE 13256-2 (1998 RA2014): Water-to-Water and Brine-to-Water Heat Pumps—Testing and Rating for Performance**Table C403.3.2(2)**ASHRAE 62.1—2013**C403.7.4**146—2011: Testing and Rating Pool Heaters**Table C404.2

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**ASME**

American Society of  
Mechanical Engineers  
Two Park Avenue  
New York, NY 10016-  
5990

**ASME A17.1—2016/CSA B44—16: Safety Code for Elevators and Escalators**C405.8.2

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**ASTM**

ASTM International  
100 Barr Harbor Drive,  
P.O. Box C700  
West Conshohocken, PA  
19428-2959

**C1363—11: Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus**

C303.1.4.1, Table C402.1.4, Table C402.1.4.2, C402.2.7

**C1371—15: Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emisometers**

Table C402.3

**C1549—09(2014): Standard Test Method for Determination of Solar Reflectance Near Ambient Temperature Using a Portable Solar Reflectometer**

Table C402.3

**D1003—13: Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics**

C402.4.2.2

**E283—04(2012): Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen**

C402.5.1.2.2, Table C402.5.2, C402.5.8

**E408—13: Test Methods for Total Normal Emittance of Surfaces Using Inspection-meter Techniques**

Table C402.3

**E779—10: Standard Test Method for Determining Air Leakage Rate by Fan Pressurization**

C402.5, C402.5.1.3, C406.8

**E903—12: Standard Test Method Solar Absorptance, Reflectance and Transmittance of Materials Using Integrating Spheres (Withdrawn 2005)**

Table C402.3

**E1677—11: Specification for Air Barrier (AB) Material or Systems for Low-rise Framed Building Walls**

C402.5.1.2.2

**E1827—11: Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door**

C406.8

**E1918—06(2015): Standard Test Method for Measuring Solar Reflectance of Horizontal or Low-sloped Surfaces in the Field**

Table C402.3

**E1980—11: Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-sloped Opaque Surfaces**

Table C402.3

**E2178—13: Standard Test Method for Air Permanence of Building Materials**

C402.5.1.2.1

**E2357—11: Standard Test Method for Determining Air Leakage of Air Barriers Assemblies**

C402.5.1.2.2**F1361—17: Standard Test Method for Performance of Open Deep Fat Fryers**Table C405.10(1)**F1484—18: Standard Test Methods for Performance of Steam Cookers**Table C405.10(3)**F1495—05: Standard Specification for Combination Oven Electric or Gas Fired**Table C405.10(5)**F1496—13: Standard Test Method for Performance of Convection Ovens**Table C405.10(5)**F1696—18: Standard Test Method for Energy Performance of Stationary-Rack, Door-Type Commercial Dishwashing Machines**Table C405.10(4)**F1920—15: Standard Test Method for Performance of Rack Conveyor Commercial Dishwashing Machines**Table C405.10(4)**F2093—18: Standard Test Method for Performance of Rack**Table C405.10(5)**F2140—11: Standard Test Method for Performance of Hot Food Holding Cabinets**Table C405.10(2)**F2144—17: Standard Test Method for Performance of Large Open Vat Fryers**Table C405.10(1)**F2861—17: Standard Test Method for Enhanced Performance of Combination Oven in Various Modes**Table C405.10(5)

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**BC**  
**HYDRO**

BC Hydro Power Smart

333 Dunsmuir StreetVancouver, BCV6B 5R**Building Envelope Thermal Bridging Guide Version 1.2 — 18**Table C402.6

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# **CRRC**

Cool Roof Rating Council  
449 15th Street, Suite 400  
Oakland, CA 94612

## **ANSI/CRRC-S100—2016: Standard Test Methods for Determining Radiative Properties of Materials**

Table C402.3, C402.3.1

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# **CSA**

CSA Group  
8501 East Pleasant Valley  
Road  
Cleveland, OH 44131-5516

## **AAMA/WDMA/CSA 101/LS.2/A440—17: North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights**

Table C402.5.2

## **ASME A17.1—2016/CSA B44—16: Safety Code for Elevators and Escalators**

C405.8.2

## **CSA B55.1—2015: Test Method for Measuring Efficiency and Pressure Loss of Drain Water Heat Recovery Units**

C404.8

## **CSA B55.2—2015: Drain Water Heat Recovery Units**

C404.8

## **Z21.10.3/CSA 4.3—11: Gas Water Heaters, Volume III—Storage Water Heaters with Input Ratings Above 75,000 Btu per Hour, Circulating Tank and Instantaneous**

Table C404.2

## **Z21.47/CSA 2.3—12: Gas-fired Central Furnaces**

Table C403.3.2(4)

## **Z83.8/CSA 2.6—09: Gas Unit Heaters, Gas Packaged Heaters, Gas Utility Heaters and Gas-fired Duct Furnaces**

Table C403.3.2(4)



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**CTI**

Cooling Technology  
Institute  
P. O. Box 681807  
Houston, TX 77268

**ATC 105 (00): Acceptance Test Code for Water Cooling Tower**

Table C403.3.2(7)

**ATC 105S—11: Acceptance Test Code for Closed Circuit Cooling Towers**

Table C403.3.2(7)

**ATC 106—11: Acceptance Test for Mechanical Draft Evaporative Vapor Condensers**

Table C403.3.2(7)

**STD 201—11: Standard for Certification of Water Cooling Towers Thermal Performances**

Table C403.3.2(7)

**CTI STD 201 RS(15): Performance Rating of Evaporative Heat Rejection Equipment**

Table C403.3.2(7)

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**DASMA**

Door & Access Systems  
Manufacturers  
Association,  
International  
1300 Sumner Avenue  
Cleveland, OH 44115-  
2851

**105—2016: Test Method for Thermal Transmittance and Air Infiltration of Garage Doors and Rolling Doors**

C303.1.3, Table C402.5.2

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**DOE**

U.S. Department of Energy  
c/o Superintendent of  
Documents  
1000 Independence Avenue

SW  
Washington, DC 20585

**10 CFR, Part 430—2015: Energy Conservation Program for Consumer Products: Test Procedures and Certification and Enforcement Requirement for Plumbing Products; and Certification and Enforcement Requirements for Residential Appliances; Final Rule**

Table C403.3.2(1), Table C403.3.2(2), Table C403.3.2(4), Table C403.3.2(5), Table C404.2

**10 CFR, Part 430, Subpart B, Appendix F—(2015): Uniform Test Method for Measuring the Energy Consumption of Room Air Conditioners**

Table C403.3.2(3)

**10 CFR, Part 430, Subpart B, Appendix N—(2015): Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers**

C202

**10 CFR, Part 431—2015: Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards; Final Rules**

Table C403.3.2(5), C405.6, Table C405.6, C405.7

**10 CFR 431 Subpart B App B: Uniform Test Method for Measuring Nominal Full Load Efficiency of Electric Motors**

C403.8.4, Table C405.7(1), Table C405.7(2), Table C405.7(3), C405.7(4)

**ICC**

International Code Council,  
Inc.  
500 New Jersey Avenue  
NW  
6th Floor  
Washington, DC 20001

**IECC—18: International Energy Conservation Code**

CH1 (Intro Statement), 101.1.1

**IEC**International Electrotechnical  
CommissionIEC Regional Centre for North  
America  
446 Main Street 16th Floor  
Worcester, MA 01608 U.S.A.**IEC EN 60034-30-1—2014: Efficiency classes of line operated AC motors**C405.8.1.1.1**IEEE**Institute of Electrical and  
Electronic Engineers 3 Park  
Avenue, 17th Floor  
New York, NY 10016**IEEE 515.1—2012: IEE Standard for the Testing, Design, Installation, and Maintenance of Electrical Resistance  
Trace Heating for Commercial Applications**C404.6.2**IES**Illuminating Engineering  
Society  
120 Wall Street, 17th Floor  
New York, NY 10005-4001**ANSI/ASHRAE/IESNA 90.1—2016: Energy Standard for Buildings, Except Low-rise Residential Buildings**CH1 (Intro Statement), 101.1.1, C202**ANSI/ASHRAE/IES 90.1—2016 (AS AMENDED) with revisions as set forth in Appendix CA of this code**101.1.1, 101.5.1.1, 105.1, C202, C401.2, Table C402.1.3, Table  
C402.1.4, C402.6.1, Table C403.3.2(1), Table C403.3.2(2), C407.1,  
C501.7, C502.1, C503.1, C504.1

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# **ISO**

International Organization  
for Standardization  
Chemin de Blandonnet 8,  
CP 401, 1214 Vernier  
Geneva, Switzerland

## **ISO/AHRI/ASHRAE 13256-1(1998 RA2014): Water-to-Air and Brine-to-Air Heat Pumps -Testing and Rating for Performance**

Table C403.3.2(2)

## **ISO/AHRI/ASHRAE 13256-2(1998 RA2014): Water-to-Water and Brine-to-Water Heat Pumps -Testing and Rating for Performance**

Table C403.3.2(2)

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# **NEMA**

National Electrical  
Manufacturers Association  
1300 North 17th Street,  
Suite 900  
Rosslyn, VA 22209

## **MG1—2014: Motors and Generators**

C202

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# **NFRC**

National Fenestration  
Rating Council, Inc.  
6305 Ivy Lane, Suite 140  
Greenbelt, MD 20770

## **100—2017: Procedure for Determining Fenestration Products U-factors**

C303.1.3, Table C402.1.4.2, C402.2.1.1, Table C402.4

**200—2017: Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence**

C303.1.3, Table C402.4, C402.4.1.1

**400—2017: Procedure for Determining Fenestration Product Air Leakage**

Table C402.5.2

**NYC**

New York City Department  
of Buildings

280 Broadway

New York, NY 10007

**1968 Building Code**

101.2.1

**NYCAC—14: New York City Administrative Code**

CH1 (Intro Statement), 101.1, 101.2.1, 101.5.2.2, 101.5.2.3, 102.1, 103.1, 103.2.1, 103.3, 103.4, 104.1, 104.1.1, 104.3, 105.1, C202, C405.5.2

**NYCBC—14: New York City Building Code**

101.2.1, 101.2.2, 103.2.1, C202, C303.1.1, C402.5.3, C402.5.4, C405.2, C405.2.1.4

**NYCCC—14: New York City Construction Codes**

101.2.1, 102.1, 103.1, 104.2.3, C201.3, C201.4, C303.2, C402.2.8, C501.4

**NYCEC—11: New York City Electrical Code**

101.2.1, C201.3, C201.4, C501.4

**NYCFC—14: New York City Fire Code**

101.2.1, C201.3, C201.4, C501.4

**NYCMC—14: New York City Mechanical Code**

101.2.1, C402.5.3, C403.2.2, C403.6.1, C403.6.6, C403.7.1, C403.7.2, C403.7.4, C403.7.7, C403.8.5.1, C403.11.1, C403.11.2, C403.11.2.1, C403.11.2.2, C406.5, C408.2.2.1

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# NYS

New York Department of  
State

One Commerce Plaza, 99  
Washington Ave

Albany, NY 12231-0001

## BCNYS—20: Building Code of New York State

C202

## ECCCNYS—20: Energy Conservation Construction Code of New York State

CH1 (Intro Statement), 101.1.1, 101.2.3, 101.3

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# SMACNA

Sheet Metal and Air  
Conditioning Contractors'  
National Association, Inc.  
4021 Lafayette Center  
Drive  
Chantilly, VA 20151-1219

## SMACNA—2012: HVAC Air Duct Leakage Test Manual Second Edition

C403.11.2.3

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# UL

UL LLC  
333 Pfingsten Road  
Northbrook, IL 60062-2096

**127—11: Standard for Factory-Built Fireplaces**C402.2.8**710—12: Exhaust Hoods for Commercial Cooking Equipment—with Revisions through November 2013**C403.7.5**727—06: Oil-fired Central Furnaces—with Revisions through October 2013**Table C403.3.2(4)**731—95: Oil-fired Unit Heaters—with Revisions through October 2013**Table C403.3.2(4)**1784—01: Air Leakage Tests of Door Assemblies—with Revisions through February 2015**C402.5.4

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**US-FTC**

United States-Federal Trade  
Commission  
600 Pennsylvania Avenue  
NW  
Washington, DC 20580

**CFR Title 16 (2015): R-value Rule**C303.1.4

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**WDMA**

Window and Door  
Manufacturers  
Association  
2025 M Street NW, Suite  
800  
Washington, DC 20036-  
3309

**AAMA/WDMA/CSA 101/1.S.2/A440—17: North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights**

Table C402.5.2

**APPENDIX CA**

**SOLAR-READY ZONE – COMMERCIAL**

**Appendix CA Solar-Ready Zone – Commercial.**

Appendix CA – Delete Appendix CA in its entirety.

**CHAPTER R2**

**DEFINITIONS**

**SECTION R201**

**GENERAL**

**Section R201.1 Scope.**

Section R201.1 - Revise Section R201.1 to read as follows:

**R201.1 Scope.** Unless stated otherwise, the following words and terms in chapters R2, R3, R4, R5 and R6 of this code shall have the meanings indicated in this chapter.

**Section R201.3 Terms defined in other codes.**

Section R201.3 - Revise Section R201.3 to read as follows:

**R201.3 Terms defined in other codes.** Terms that are not defined in this code but are defined in the New York City Construction Codes, New York City Fire Code, or the New York City Electrical Code shall have the meanings ascribed to them in those codes.

**Section R201.4 Terms not defined.**

Section R201.4 - Revise Section R201.4 to read as follows:

**R201.4 Terms not defined.** Terms not defined in this chapter or in the New York City Construction Codes, New York City Fire Code, or the New York City Electrical Code shall have ordinarily accepted meanings such as the context implies.



## SECTION R202

### GENERAL DEFINITIONS

Section R202 - Revise the definition of “Air-impermeable insulation” after the definition of “Air barrier,” to read as follows:

**AIR-IMPERMEABLE INSULATION.** An insulation having an air permeance equal to or less than 0.02 L/s-m<sup>2</sup> at 75 Pa pressure differential tested according to ASTM E2178 or E283.

Section R202 - Revise the definitions of “Approval or approved,” and “Approved agency” after the definition of “Alteration,” to read as follows:

**APPROVAL OR APPROVED.** See Section 28-101.5 of the Administrative Code.

**APPROVED AGENCY.** See Section 28-101.5 of the Administrative Code.

Section R202 - Revise the definition of “ASHRAE 90.1-2016 (as amended)” after the definition of “ASHRAE 90.1-2016,” to read as follows:

**ASHRAE 90.1—2016 (AS AMENDED).** ASHRAE 90.1—2016, as amended by 19 NYCRR Part 1240 with revisions as set forth in Appendix CA of this code.

Section R202 – Add a new definition of “Basement” after the definition of “Automatic,” to read as follows:

**BASEMENT.** A story that is not a story above grade plane. See the definition of “Story above grade plane.”

Section R202 – Revise the definition of “Building,” after the definition of “Basement wall,” to read as follows:

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy or for affording shelter to persons, animals or property, including any (i) mechanical systems, service water heating systems, and electric power and lighting systems located in such structure, and (ii) any mechanical systems, service water heating systems, and electric power and lighting systems located on the building site and supporting the building. The term “building” shall include, but not be limited to, factory manufactured homes, as defined in subdivision 8 of Section 372 of the Executive Law, and mobile homes, as defined in subdivision 13 of Section 372 of the Executive Law.

Section R202 – Delete the definition of “Building site.”

Section R202– Revise the definition of “Building official,” after the definition of “Building code of New York State” to read as follows:

**BUILDING OFFICIAL.** The Commissioner of Buildings of the City of New York or his or her duly authorized representative. See Section 28-101.5 of the Administrative Code.

Section R202 – Add the definition of “Building site,” after the definition of “Building official,” to read as follows.

**BUILDING SITE.** A contiguous area of land that is under the ownership or control of one entity.

Section R202 – Revise the definition of “Conditioned space,” after the definition of “Conditioned Floor Area,” to read as follows:

**CONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and that is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

Section R202 - Revise the definition of “Energy code,” after the definition of “Energy analysis,” to read as follows:

**ENERGY CODE.** The New York City Energy Conservation Code.

Section R202 - Delete the definition of “Fire Code of New York State” after the definition of “Fenestration product, site-built.”

Section R202 – Add a new definition of “Grade Plane” after the definition of “Fenestration product, site-built,” to read as follows:

**GRADE PLANE.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Section R202 - Delete the definition of “High-efficacy lamps” after the definition of “Heated slabs.”

Section R202 - Revise the definition of “Labeled” after the definition of “Insulating sheathing,” to read as follows:

**LABELED.** See Section 28-101.5 of the Administrative Code.

Section R202 - Add a new definition of “Lead energy professional” after the definition of “Labeled,” to read as follows:

**LEAD ENERGY PROFESSIONAL.** The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Section R202 - Revise the definition of “Listed” after the definition of “Lead energy professional,” to read as follows:

**LISTED.** See Section 28-101.5 of the Administrative Code.

Section R202 - Delete the definition of “Mechanical Code of New York State” after the definition of “Manual.”

Section R202 - Delete the definition of “Plumbing Code of New York State” after the definition of “Opaque door.”

Section R202 - Add new definitions of “Professional certification” and “Project” after the definition of “Opaque door,” to read as follows:

**PROFESSIONAL CERTIFICATION.** See Section 28-101.5 of the Administrative Code.

**PROJECT.** A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Section R202 - Delete the definition of “Residential Code of New York State” after the definition of “Residential building.”

Section R202 – Add the new definitions of “Story” and “Story above grade plane” after the definition of “Standard reference design,” to read as follows:

**STORY.** The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. See the definitions of “Basement” and “Grade plane.” A story is measured as the

vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

Section R202 - Add a new definition of “Thermal bridge” after the definition of “Sunroom,” to read as follows:

**THERMAL BRIDGE:** Thermal bridges are elements that interrupt areas of uniform thermal resistance in the building envelope.

**Clear field thermal bridge:** an area-based thermal transmittance associated with elements of a building envelope assembly which repeat at regular intervals. Examples of clear field thermal bridges include metal or wood studs, brick ties, and cladding attachments such as z-girts.

**Linear thermal bridge:** a length-based thermal transmittance associated with horizontal, vertical, or diagonal elements within the building envelope and with length measured along the exterior surface of the building envelope. Examples of linear thermal bridges include balconies or floor assemblies which penetrate walls in the building envelope, fenestration perimeter interfaces, parapets, and shelf angles. Linear thermal transmittance is heat flow divided by length and by the temperature difference between the interior and exterior sides of the assembly, represented by a  $\Psi$ -value (Psi-Value) in units Btu/hr • ft • °F (W/mK).

**Point thermal bridge:** an element-based thermal transmittance associated with a discrete element that penetrates the building envelope. Examples of point thermal bridges include a beam penetrating a wall, a column penetrating a roof or floor, and an anchor or connection used to attach an element to the building and not otherwise addressed as a clear field thermal bridge or linear thermal bridge. Point thermal transmittance is heat flow divided by the temperature difference between the interior and exterior sides of the assembly, represented by a X-value (Chi-Value) in units Btu/hr • °F (W/K).

Section R202 - Delete the definition of “Uniform code” after the definition of “U-factor (thermal transmittance).”

### **CHAPTER R3**

#### **GENERAL REQUIREMENTS**

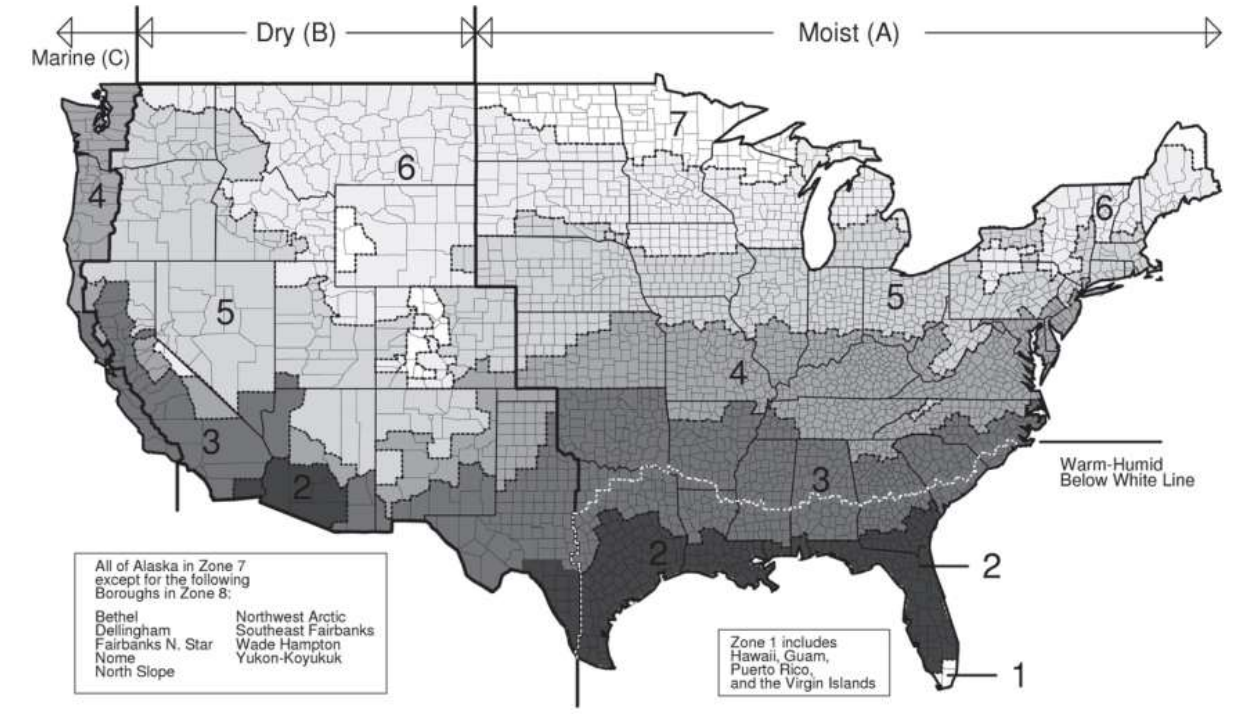
##### **SECTION R301**

Section R301 - Delete Section R301 in its entirety and add a new Section R301 to read as follows:

##### **SECTION R301**

#### **CLIMATE ZONES**

**R301.1 General.** For projects in the City of New York, Climate Zone 4A shall be used in determining the applicable requirements from Chapter R4.



**FIGURE R301.1**  
**CLIMATE ZONES**

## SECTION R303

### MATERIALS, SYSTEMS AND EQUIPMENT

#### Section R303.1.1 Building thermal envelope insulation.

Section R303.1.1 – Revise the Exception to Section R303.1.1 to read as follows:

**Exception:** For roof insulation installed above the deck, the R-value shall be labeled as required by the material standards specified in the New York City Building Code.

#### Section R303.2 Installation.

Section R303.2 – Revise Section R303.2 to read as follows:

**R303.2 Installation.** Materials, systems and equipment shall be installed in accordance with (i) the manufacturer’s installation instructions and (ii) the applicable provisions of the New York City Construction Codes.

## CHAPTER R4

### RESIDENTIAL ENERGY EFFICIENCY

## SECTION R401

### GENERAL

#### Section R401.2 Compliance.

Section R401.2 - Delete Section R401.2 in its entirety and add a new Section R401.2 to read as follows:

**R401.2 Compliance.** Projects shall comply with one of the following:

1. The provisions of Sections R401 through R404.
2. For Group R-2 and Group R-3 buildings, the provisions of Section R405 and the provisions of Sections R401 through R404 labeled “Mandatory.” The building energy cost shall be equal to or less than 80 percent of the standard reference design building.
3. The provisions of Section R406.

#### Section R401.2.1 Reserved.

Section R401.2.1- Delete Section R401.2.1 in its entirety.

#### Section R402.1.1 Vapor retarder.

Section R402.1.1 - Revise Section R402.1.1 to read as follows:

**R402.1.1 Vapor retarder.** Wall assemblies in the building thermal envelope shall comply with the vapor retarder requirements of the New York City Building Code, as applicable.

#### Section R402.1.2 Insulation and fenestration criteria.

Section R402.1.2 – Revise Section R402.1.2 to read as follows:

**R402.1.2 Insulation and fenestration criteria.** The building thermal envelope shall meet the requirements of Table R402.1.2, based on the climate zone specified in Chapter R3.

**Table R402.1.2 Insulation and Fenestration Requirements by Component<sup>a</sup>**

Revise Table R402.1.2 to read as follows:

**TABLE R402.1.2**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**

<u>CLIMATE ZONE</u>	<u>FENESTRATION U-FACTOR<sup>b</sup></u>	<u>SKYLIGHT<sup>b</sup> U-FACTOR</u>	<u>GLAZED FENESTRATION SHGC<sup>b, e</sup></u>	<u>CEILING R-VALUE</u>	<u>WOOD FRAME WALL R-VALUE</u>	<u>MASS WALL R-VALUE<sup>i</sup></u>	<u>FLOOR R-VALUE<sup>e</sup></u>	<u>BASEMENT<sup>c</sup> WALL R-VALUE</u>	<u>SLAB<sup>d</sup> R-VALUE &amp; DEPTH</u>	<u>CRAWL SPACE<sup>c</sup> WALL R-VALUE</u>
<u>4</u>	<u>0.27</u>	<u>0.50</u>	<u>0.40</u>	<u>49</u>	<u>20+5 or 13+10<sup>h</sup></u>	<u>15/20</u>	<u>30<sup>g</sup></u>	<u>15 /19</u>	<u>10, 4 ft</u>	<u>15/19</u>
<u>5</u>	<u>0.30</u>	<u>0.55</u>	<u>NR</u>	<u>49</u>	<u>20 or 13+5<sup>h</sup></u>	<u>13/17</u>	<u>30<sup>g</sup></u>	<u>15/19</u>	<u>10, 2 ft</u>	<u>15/19</u>
<u>6</u>	<u>0.30</u>	<u>0.55</u>	<u>NR</u>	<u>49</u>	<u>20+5<sup>h</sup> or 13+10<sup>h</sup></u>	<u>15/20</u>	<u>30<sup>g</sup></u>	<u>15/19</u>	<u>10, 4 ft</u>	<u>15/19</u>

NR = Not Required.

For SI: 1 foot = 304.8 mm.

a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table. For steel-framed assemblies, see Section R402.2.6.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

- c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement wall.
- “15/19” means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. Alternatively, compliance with “15/19” shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.
- d. R-10 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.
- e. Not used.
- f. Not used.
- g. Alternatively, in alterations of existing buildings, insulation sufficient to fill the framing cavity and providing not less than an R-value of R-19.
- h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, “13+10” means R-13 cavity insulation plus R-10 continuous insulation.
- i. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

**Table R402.1.4 Equivalent U-Factors<sup>a</sup>**

Revise Table R402.1.4 to read as follows:

**TABLE R402.1.4**  
**EQUIVALENT U-FACTORS<sup>a</sup>**

<u>CLIMATE ZONE</u>	<u>FENESTRATION U-FACTOR</u>	<u>SKYLIGHT U-FACTOR</u>	<u>CEILING U-FACTOR</u>	<u>FRAME WALL U-FACTOR</u>	<u>MASS WALL U-FACTOR<sup>b</sup></u>	<u>FLOOR U-FACTOR</u>	<u>BASEMENT WALL U-FACTOR</u>	<u>CRAWL SPACE WALL U-FACTOR</u>
4	<u>0.27</u>	<u>0.50</u>	<u>0.026</u>	<u>0.045</u>	<u>0.056</u>	<u>0.033</u>	<u>0.050</u>	<u>0.042</u>
5	<u>0.30</u>	<u>0.55</u>	<u>0.026</u>	<u>0.060</u>	<u>0.082</u>	<u>0.033</u>	<u>0.050</u>	<u>0.055</u>
6	<u>0.30</u>	<u>0.55</u>	<u>0.026</u>	<u>0.045</u>	<u>0.060</u>	<u>0.033</u>	<u>0.050</u>	<u>0.055</u>

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source. For steel-framed assemblies, see Section R402.2.6.

b. Mass walls shall be in accordance with Section R402.2.5. Where more than half the insulation is on the interior, the mass wall U-factor shall not exceed 0.056.

**Section R402.2.2 Ceilings without attic spaces.**

Section R402.2.2 – Revise the first sentence in Section R402.2.2 to read as follows:

Where Section R402.1.2 requires insulation R-values greater than R-38 in the ceiling and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation R-value for such roof/ceiling assemblies shall be R-38.

**Section R402.2.4 Access hatches and doors.**

Section R402.2.4 – Revise the Exception to Section R402.2.4 to read as follows:

**Exception:** Vertical doors providing access from conditioned spaces to unconditioned spaces that comply with the fenestration requirements of Table R402.1.2 based on the applicable climate zone specified in Chapter R3.

**Section R402.2.11 Crawl Space Walls.**

Section R402.2.11 - Revise the third sentence of Section R402.2.11 to read as follows:

Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the New York City Building Code.



**Section R402.4 Air Leakage (Mandatory).**

Section R402.4 – Revise Section R402.4 to read as follows:

**R402.4 Air leakage (Mandatory).** The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.6.

**Table R402.4.1.1 Air Barrier Insulation Installation<sup>a</sup>**

Table R402.4.1.1- Revise Table R402.4.1.1 to read as follows:

**TABLE R402.4.1.1**  
**AIR BARRIER AND INSULATION INSTALLATION<sup>a</sup>**

<b><u>COMPONENT</u></b>	<b><u>AIR BARRIER CRITERIA</u></b>	<b><u>INSULATION INSTALLATION CRITERIA</u></b>
<u>General requirements</u>	<p><u>A continuous air barrier shall be installed in the building envelope.</u></p> <p><u>The exterior thermal envelope shall contain a continuous air barrier.</u></p> <p><u>Breaks or joints in the air barrier shall be sealed.</u></p>	<p><u>Air-permeable insulation shall not be used as a sealing material. Insulation installed in a cavity must uniformly fill each cavity side-to-side and top-to-bottom, without substantial gaps or voids around obstructions, and shall be split or fitted tightly around wiring and other penetrations in the cavity. Not more than 2 percent of the total insulated area shall be compressed below the thickness required to attain the labeled R-value or contain gaps or voids in the insulation.</u></p>
<u>Ceiling/attic</u>	<p><u>The air barrier in any dropped ceiling or soffit shall be aligned with the insulation and any gaps in the air barrier shall be sealed.</u></p> <p><u>Access openings, drop down stairs or knee wall doors to unconditioned attic spaces shall be sealed.</u></p>	<p><u>The insulation in any dropped ceiling/soffit shall be aligned with the air barrier.</u></p>
<u>Walls</u>	<p><u>The junction of the foundation and sill plate shall be sealed.</u></p> <p><u>The junction of the top plate and the top of exterior walls shall be sealed.</u></p> <p><u>Knee walls shall be sealed.</u></p>	<p><u>Cavities within corners and headers of frame walls shall be insulated by completely filling the cavity with a material having a thermal resistance, R-value, of not less than R-3 per inch.</u></p> <p><u>Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier.</u></p>

<u>Windows, skylights and doors</u>	<u>The space between framing and skylights, and the jambs of windows and doors, shall be sealed.</u>	=
<u>Rim joists</u>	<u>Rim joists shall include the air barrier.</u>	<u>Rim joists shall be insulated by completely filling the cavity with a material having a thermal resistance, R-value, of not less than R-3 per inch.</u>
<u>Floors, including cantilevered floors and floors above garages</u>	<u>The air barrier shall be installed at any exposed edge of insulation.</u>	<u>Floor framing cavity insulation shall be installed to maintain permanent contact with the underside of subfloor decking. Alternatively, floor framing cavity insulation shall be in contact with the top side of sheathing, or continuous insulation installed on the underside of floor framing; and shall extend from the bottom to the top of all perimeter floor framing members.</u>
<u>Crawl space walls</u>	<u>Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.</u>	<u>Crawl space insulation, where provided instead of floor insulation, shall be permanently attached to the walls.</u>
<u>Shafts, penetrations</u>	<u>Duct shafts, utility penetrations, and flue shafts opening to exterior or unconditioned space shall be sealed.</u>	=
<u>Narrow cavities</u>	=	<u>Batts to be installed in narrow cavities shall be cut to fit or narrow cavities shall be filled with insulation that on installation readily conforms to the available cavity space.</u>
<u>Garage separation</u>	<u>Air sealing shall be provided between the garage and conditioned spaces.</u>	=
<u>Recessed lighting</u>	<u>Recessed light fixtures penetrating the building thermal envelope shall be sealed to the air barrier.</u>	<u>Recessed light fixtures penetrating the building thermal envelope shall be air tight and IC rated.</u>
<u>Plumbing and wiring</u>	=	<u>In exterior walls, batt insulation shall be cut neatly to fit around wiring and plumbing or insulation, that on installation readily conforms to available space, and shall extend behind piping and wiring.</u>
<u>Shower/tub on exterior wall</u>	<u>The air barrier installed at exterior walls adjacent to showers and tubs shall separate the wall from the shower or tub.</u>	<u>Exterior walls adjacent to showers and tubs shall be insulated.</u>
<u>Electrical/phone box on exterior walls</u>	<u>The air barrier shall be installed behind electrical and communication boxes.</u>	=

	<u>Alternatively, air-sealed boxes shall be installed.</u>	
<u>HVAC register boots</u>	<u>HVAC supply and return register boots that penetrate building thermal envelope shall be sealed to the subfloor, wall covering or ceiling penetrated by the boot.</u>	=
<u>Concealed sprinklers</u>	<u>Where required to be sealed, concealed fire sprinklers shall only be sealed in a manner that is recommended by the manufacturer. Caulking or other adhesive sealants shall not be used to fill voids between fire sprinkler cover plates and walls or ceilings.</u>	=

- a. Inspection of log walls shall be in accordance with the provisions of ICC 400.

#### **Section R402.4.1.2 Testing.**

Section R402.4.1.2 – Revise the first Item 4 following the first paragraph of Section R402.4.1.2 to read as follows:

4. Exterior or interior terminations for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.

#### **Section R402.4.1.3 Optional testing procedure for buildings with two or more dwelling units within the building thermal envelope.**

Section R402.4.1.3 - Revise the first Item 4 following the third paragraph of Section R402.4.1.3 to read as follows:

4. Exterior or interior terminations for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.

#### **Section R402.4.1.3.1 Buildings with more than seven dwelling units.**

Section R402.4.1.3.1 - Revise the first sentence of Section R402.4.1.3.1 to read as follows:

When the optional testing procedure authorized by Section R402.4.1.3 is used for a building with more than seven dwelling units, testing each testing unit shall not be required, and testing of sample testing units selected in accordance with the provisions set forth below in this section shall be permitted, when approved by the building official.

#### **Section R402.4.2 Fireplaces.**

Section R402.4.2 - Revise Section R402.4.2 to read as follows:

**R402.4.2 Fireplaces.** New wood-burning fireplaces shall have tight-fitting flue dampers or doors, and outdoor combustion air as required by the fireplace construction provisions of the New York City Construction Codes, as applicable. Where using tight-fitting doors on factory-built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace.

**Section R402.4.4 Rooms containing fuel-burning appliances.**

Section R402.4.4 - Revise Exception 2 of Section R402.4.4 to read as follows:

2. Fireplaces and stoves complying with Section R402.4.2 and the New York City Mechanical Code.

**Section R402.4.6 Tenant separation walls (Mandatory).**

Section R402.4.6 - Revise Section R402.4.6 to read as follows:

**R402.4.6 Tenant separation walls (Mandatory).** Fire separations between dwelling units in two-family dwellings and multiple single-family dwellings (townhouses) shall be insulated to no less than R-10 and the walls shall be air sealed in accordance with Section R402.4 of this chapter.

**Section R402.5 Maximum fenestration U-factor and SHGC (Mandatory).**

Section R402.5 – Delete Section R402.5 in its entirety and add a new Section R402.5 to read as follows:

**R402.5 Maximum fenestration U-factor and SHGC (Mandatory).** The area-weighted average maximum fenestration U-factor permitted using tradeoffs from Section R402.1.5 or R405 shall be 0.40 for vertical fenestration, and 0.75 for skylights.

**Section R402.6 Thermal bridges (Mandatory).**

Section R402.6 – Add new Sections R402.6, R402.6.1, R402.6.2 and R402.6.3, and new Table R402.6, to read as follows:

**R402.6 Thermal bridges (Mandatory).** Applications for construction document approval shall include documentation of thermal bridges.

**R402.6.1 Clear field thermal bridges.** Where otherwise not included in pre-calculated assembly U-factors, C-factors, or F-factors outlined in Appendix A of ASHRAE 90.1-2016 (as amended), as set forth in Appendix CA of this code, clear field thermal bridges in a wall, roof, or floor assembly shall be noted as such in the drawings.

**R402.6.2 Point thermal bridges.** Point thermal bridges greater than or equal in area to 8 in<sup>2</sup> (5161 mm<sup>2</sup>) and not associated with HVAC or electrical systems shall be noted as thermal bridges in the drawings.

**R402.6.3 Linear thermal bridges.** Construction documents shall include the following documentation in tabular format for linear thermal bridges listed in Table R402.6:

1. Linear thermal bridge type.
2. Aggregate length of each type of linear thermal bridge.
3. Relevant detail in the construction documents showing a cross-section through the thermal bridge.
4. Ψ-value for each thermal bridge from Table R402.6.

**Exception:** Where linear thermal bridges have been tested or modeled using methods approved by the department, alternate values may be used as long as supporting documentation is provided.

**TABLE R402.6****AVERAGE THERMAL TRANSMITTANCE FOR UNMITIGATED LINEAR THERMAL BRIDGES**

<b><u>TYPE OF THERMAL BRIDGE</u></b>	<b><u>Ψ-value<sup>a</sup></u></b> <b><u>[Btu/hr • ft • °F]</u></b>	<b><u>Ψ-value<sup>a</sup></u></b> <b><u>W/mK</u></b>
<b><u>Steel Frame, Steel Stud, Poured-in-place Concrete, Concrete Block, Curtain-wall</u></b>		
<u>Balcony</u>	<u>0.50</u>	<u>0.871</u>
<u>Floor<sup>b</sup></u>	<u>0.44</u>	<u>0.755</u>
<u>Slab to Ground</u>	<u>n/a</u>	<u>n/a</u>
<u>Fenestration Perimeter Transition<sup>c</sup></u>	<u>0.32</u>	<u>0.550</u>
<u>Parapet</u>	<u>0.42</u>	<u>0.735</u>
<u>Eaves</u>	<u>n/a</u>	<u>n/a</u>
<u>Shelf Angle</u>	<u>0.41</u>	<u>0.713</u>
<b><u>Wood Frame Construction</u></b>		
<u>Balcony</u>	<u>n/a</u>	<u>n/a</u>
<u>Floor<sup>b</sup></u>	<u>0.336</u>	<u>0.582</u>
<u>Slab to Ground</u>	<u>n/a</u>	<u>n/a</u>
<u>Fenestration Perimeter Transition<sup>c</sup></u>	<u>0.15</u>	<u>0.26</u>
<u>Parapet</u>	<u>0.032</u>	<u>0.056</u>
<u>Eaves</u>	<u>n/a</u>	<u>n/a</u>
<u>Shelf Angle</u>	<u>0.186</u>	<u>0.322</u>

a. Psi-values are derived from the ASHRAE Research Project 1365 and BC Hydro Building Envelope Thermal Bridging Guide Version 1.2—September 2018, and are based on poor performing details.

b. This value is for an intermediate floor. Ground to Slab thermal bridging is applicable for all buildings.

c. Fenestration Perimeter Transition is the thermal bridge between any fenestration frame and the typical wall, roof or floor assembly it abuts or is mounted within. For each unique window or door installation type, provide a minimum of one typical-installation detail showing either the head, jamb or sill detail of the window or door frame and the abutting wall, roof or floor construction, including all structural and insulation layers, blocking, flashing, and cladding.

**Section R403.3 Ducts.**

Section R403.3 - Revise Section R403.3 to read as follows:

**R403.3 Ducts.** Ducts and air handlers shall be installed in accordance with Sections R403.3.1 through R403.3.8. The duct system in new buildings and additions shall be located in a conditioned space in accordance with Section R403.3.7.

**Section R403.3.1 Insulation (Prescriptive).**

Section R403.3.1 - Revise the first sentence of Section R403.3.1 to read as follows:

In alterations, supply and return ducts in attics shall be insulated to an R-value of not less than R-8 for ducts 3 inches (76 mm) in diameter and larger and not less than R-6 for ducts smaller than 3 inches (76 mm) in diameter.

**Section R403.3.2 Sealing (Mandatory).**

Section R403.3.2 - Revise the first paragraph of Section R403.3.2 to read as follows:

Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with the New York City Mechanical Code.

**Section R403.3.3 Duct testing (Mandatory).**

Section R403.3.3 - Revise Exception 1 of Section R403.3.3 to read as follows:

1. A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within a conditioned space in accordance with Section R403.3.7.

**Section R403.3.8 Duct system sizing (Mandatory).**

Section R403.3.8 – Add a new Section R403.3.8 to read as follows:

**R403.3.8 Duct system sizing (Mandatory).** Ducts shall be sized in accordance with ACCA Manual D based on calculations made in accordance with Section R403.7 and Section R403.8.

**Section R403.4 Mechanical system piping insulation (Mandatory).**

Section R403.4 – Revise Section R403.4 to read as follows:

**R403.4 Mechanical system piping insulation (Mandatory).** Piping serving as part of a heating or cooling system and capable of carrying fluids greater than 105°F (41°C) or less than 60°F (15°C) shall be thermally insulated in accordance with Table R403.4. The thickness and conductivity of the insulation must result in an R-value of no less than R-3.

Section R403.4 – Add a new Table R403.4 to read as follows:

**TABLE R403.4**  
**MINIMUM PIPE INSULATION THICKNESS (in inches)<sup>a, c</sup>**

<b>FLUID OPERATING TEMPERATURE RANGE AND USAGE (°F)</b>	<b>INSULATION CONDUCTIVITY</b>		<b>NOMINAL PIPE OR TUBE SIZE (inches)</b>				
	<b>Conductivity Btu • in./(h • ft<sup>2</sup> • °F)<sup>b</sup></b>	<b>Mean Rating Temperature, °F</b>	<b>&lt; 1</b>	<b>1 to &lt; 1 ½</b>	<b>1 ½ to &lt; 4</b>	<b>4 to &lt; 8</b>	<b>&lt; 8</b>
<u>&gt; 350</u>	<u>0.32 – 0.34</u>	<u>250</u>	<u>4.5</u>	<u>5.0</u>	<u>5.0</u>	<u>5.0</u>	<u>5.0</u>
<u>251 – 350</u>	<u>0.29 – 0.32</u>	<u>200</u>	<u>3.0</u>	<u>4.0</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>
<u>201 – 250</u>	<u>0.27 – 0.30</u>	<u>150</u>	<u>2.5</u>	<u>2.5</u>	<u>2.5</u>	<u>3.0</u>	<u>3.0</u>
<u>141 – 200</u>	<u>0.25 – 0.29</u>	<u>125</u>	<u>1.5</u>	<u>1.5</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
<u>105 – 140</u>	<u>0.21 – 0.28</u>	<u>100</u>	<u>1.0</u>	<u>1.0</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
<u>40 – 60</u>	<u>0.21 – 0.27</u>	<u>75</u>	<u>0.5</u>	<u>0.5</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
<u>&lt; 40</u>	<u>0.20 – 0.26</u>	<u>50</u>	<u>0.5</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.5</u>

For SI: 1 inch = 25.4 mm, °C = [(°F) - 32]/1.8.

a. For piping smaller than 1 ½ inches and located in partitions within conditioned spaces, reduction of these thicknesses by 1 inch shall be permitted (before thickness adjustment required in footnote b) but not to a thickness less than 1 inch.

b. For insulation outside the stated conductivity range, the minimum thickness (T) shall be determined as follows:

$$T = r \left[ \frac{K/k}{(1 + t/r)} - 1 \right]$$

where:

T ≡ minimum insulation thickness,

r ≡ actual outside radius of pipe,

t ≡ insulation thickness listed in the table for applicable fluid temperature and pipe size,

K ≡ conductivity of alternate material at mean rating temperature indicated for the applicable fluid temperature (Btu • in/h • ft<sup>2</sup> • °F), and

k ≡ the upper value of the conductivity range listed in the table for the applicable fluid temperature.

c. For direct-buried heating and hot water system piping, reduction of these thicknesses by 1 ½ inches (38 mm) shall be permitted (before thickness adjustment required in footnote b) but not to thicknesses less than 1 inch.

**Section R403.5 Service hot water systems.**

Section R403.5 – Revise Section R403.5 to read as follows:

**R403.5 Service hot water systems.** Energy conservation measures for service hot water systems shall be in accordance with Sections R403.5.1 through R403.5.5.

**Section R403.5.4 Drain water heat recovery units.**

Section R403.5.4 – Revise Section R403.5.4 to read as follows:

**R403.5.4 Drain water heat recovery units.** Drain water heat recovery units shall have a minimum efficiency of 40 percent if installed for equal flow or a minimum efficiency of 52 percent if installed for unequal flow. Vertical drain water heat recovery units shall comply with CSA B55.2 and shall be tested and labeled in accordance with CSA B55.1. Sloped drain water heat recovery units may be used when approved by the department. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

**Section R403.5.5 Supply of heated water.**

Section R403.5.5 – Add a new Section R403.5.5 to read as follows:

**R403.5.5 Supply of heated water.** In new buildings, heated water supply piping shall be in accordance with one of the following:

- 1. Maximum allowable pipe length method.** The maximum allowable pipe length from the nearest source of heated water to the termination of the fixture supply pipe shall be in accordance with the maximum pipe length in Table R403.5.5. Where the length contains more than one size of pipe, the largest size shall be used for determining the maximum allowable length of the piping in Table R403.5.5.
- 2. Maximum allowable pipe volume method.** The water volume in the piping shall be calculated in accordance with Table R403.5.5. The maximum volume of hot or tempered water in the piping to public lavatory faucets shall be 2 ounces. For fixtures other than public lavatory faucets, the maximum volume shall be 64 ounces for hot or tempered water from a water heater or boiler; and 24 ounces for hot or tempered water from a circulation loop pipe or an electrically heat-traced pipe.
- 3. Drain water heat recovery units.** New buildings shall include a drain water heat recovery unit that captures heat from at least one shower per dwelling unit, and such drain water heat recovery unit must have a minimum efficiency of 40 percent if installed for equal flow or a minimum efficiency of 52 percent if installed for unequal flow.
- 4. Recirculation Systems.** Projects shall include a recirculation system with no more than 0.5 gallon (1.9 liter) storage. The storage limit shall be measured from the point where the branch feeding the fixture branches off the recirculation loop to the fixture. Recirculation systems must be based on an occupant-controlled switch or an occupancy sensor, installed in each bathroom which is located beyond a 0.5 gallon stored-volume range from the water heater.



Table R403.5.5 – Add a new Table R403.5.5 to read as follows:

**TABLE R403.5.5**  
**PIPE VOLUME AND MAXIMUM PIPING LENGTHS<sup>b</sup>**

<b><u>NOMINAL PIPE OR TUBE SIZE (inch)</u></b>	<b><u>VOLUME (Liquid Ounces Per Foot Length)</u></b>	<b><u>MAXIMUM PIPE OR TUBE LENGTH</u></b>		
		<b><u>System without a circulation loop or heat-traced line (feet)</u></b>	<b><u>System with a circulation loop or heat-traced line (feet)</u></b>	<b><u>Lavatory faucets – public (metering and nonmetering (feet)</u></b>
<u>1/4<sup>a</sup></u>	<u>0.33</u>	<u>50</u>	<u>16</u>	<u>6</u>
<u>5/16<sup>a</sup></u>	<u>0.5</u>	<u>50</u>	<u>16</u>	<u>4</u>
<u>3/8<sup>a</sup></u>	<u>0.75</u>	<u>50</u>	<u>16</u>	<u>3</u>
<u>1/2</u>	<u>1.5</u>	<u>43</u>	<u>16</u>	<u>2</u>
<u>5/8</u>	<u>2</u>	<u>32</u>	<u>12</u>	<u>1</u>
<u>3/4</u>	<u>3</u>	<u>21</u>	<u>8</u>	<u>0.5</u>
<u>7/8</u>	<u>4</u>	<u>16</u>	<u>6</u>	<u>0.5</u>
<u>1</u>	<u>5</u>	<u>13</u>	<u>5</u>	<u>0.5</u>
<u>1 1/4</u>	<u>8</u>	<u>8</u>	<u>3</u>	<u>0.5</u>
<u>1 1/2</u>	<u>11</u>	<u>6</u>	<u>2</u>	<u>0.5</u>
<u>2 or larger</u>	<u>18</u>	<u>4</u>	<u>1</u>	<u>0.5</u>

- a. The flow rate for 1/4-inch size pipe or tube is limited to 0.5 gallons per minute; for 5/16-inch size, it is limited to 1 gpm; for 3/8-inch size, it is limited to 1.5 gpm.
- b. The volume shall be the sum of the internal volumes of pipe, fittings, valves, meters and manifolds between the source of hot water and the termination of the fixture supply pipe. The volume contained within fixture shutoff valves, flexible water supply connectors to a fixture fitting, or within a fixture fitting shall not be included in the water volume determination. Where hot or tempered water is supplied by a circulation loop pipe or a heat-traced pipe, the volume shall include the portion of the fitting on the branch pipe that supplies water to the fixture.

**Section R403.6 Mechanical ventilation (Mandatory).**

Section R403.6 - Revise the first sentence of Section R403.6 to read as follows:

The building shall be provided with ventilation that complies with the requirements of the New York City Mechanical Code, as applicable, or with other approved means of ventilation.

**Section R403.6.2 Balanced ventilation and HRV/ERV systems (Mandatory).**

Section R403.6.2 - Add new Sections R403.6.2, R403.6.2.1, R403.6.2.2, R403.6.2.3, and new Tables R403.6.2(1) and R403.6.2(2), to read as follows:

**R403.6.2 Balanced ventilation and HRV/ERV systems (Mandatory).** In new buildings, every dwelling unit shall be served by a heat recovery ventilator (HRV) or energy recovery ventilator (ERV) installed per manufacturer’s instructions. The HRV/ERV must be listed and sized adequately for the specific application, which will include the building’s conditioned area, and number of occupants.

**Exception:** A balanced ventilation system designed and installed according to the requirements of Sections R403.6.2.1 through R403.6.2.3, using the return side of the building’s heating and/or cooling system air handler to supply outdoor air, shall be permitted to comply with this section. When the outdoor air supply is ducted to the heating and/or cooling system air handler, the mixed air temperature shall not be less than that permitted by the heating equipment manufacturer’s installation instructions. Heating and/or cooling system air handlers used to distribute outdoor air shall be field-verified to not exceed an efficacy of 45 W/CFM if using furnaces for heating and 58 W/CFM if using other forms of heating. In the balanced system design, an equivalent exhaust air flow rate shall be provided simultaneously by one or more exhaust fans, located remotely from the source of supply air. The balanced system’s exhaust and supply fans shall be interlocked for operation, sized to provide equivalent air flow at a rate greater than or equal to that determined by Table R403.6.2(1) and shall have their fan capacities adjusted for intermittent run time per Table R403.6.2(2). Continuous operation of the balanced ventilation system shall not be permitted.

**R403.6.2.1 Whole-house mechanical ventilation (balanced ventilation option) system design.** The whole-house ventilation system shall consist of one or more supply or exhaust fans, or a combination of such, and associated ducts and controls. Local exhaust or supply fans are permitted to serve as such as system. Outdoor air ducts connected to the return side of an air handler shall be considered as providing supply ventilation.

**R403.6.2.2 System controls.** The whole-house ventilation system shall be provided with controls that enable manual override.

**R403.6.2.3 Mechanical ventilation rate.** The whole-house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4 hour segment and the ventilation rate prescribed in Table R403.6.2(1) is multiplied by the factor determined in accordance with Table R403.6.2(2).

**TABLE R403.6.2(1)**

**CONTINUOUS WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM AIRFLOW RATE REQUIREMENTS**

<b><u>DWELLING UNIT</u></b>  <b><u>FLOOR AREA</u></b>  <b><u>(square feet)</u></b>	<b><u>NUMBER OF BEDROOMS</u></b>				
	<b><u>0 – 1</u></b>	<b><u>2 – 3</u></b>	<b><u>4 – 5</u></b>	<b><u>6 – 7</u></b>	<b><u>≥ 7</u></b>
	<b><u>Airflow in CFM</u></b>				
<b><u>&lt; 1,500</u></b>	<b><u>30</u></b>	<b><u>45</u></b>	<b><u>60</u></b>	<b><u>75</u></b>	<b><u>90</u></b>
<b><u>1,501 – 3,000</u></b>	<b><u>45</u></b>	<b><u>60</u></b>	<b><u>75</u></b>	<b><u>90</u></b>	<b><u>105</u></b>

<u>3,001 – 4,500</u>	<u>60</u>	<u>75</u>	<u>90</u>	<u>105</u>	<u>120</u>
<u>4,501 – 6,000</u>	<u>75</u>	<u>90</u>	<u>105</u>	<u>120</u>	<u>135</u>
<u>6,001 – 7,500</u>	<u>90</u>	<u>105</u>	<u>120</u>	<u>135</u>	<u>150</u>
<u>&gt; 7,500</u>	<u>105</u>	<u>120</u>	<u>135</u>	<u>150</u>	<u>165</u>

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s.

**TABLE R403.6.2(2)**

**INTERMITTENT WHOLE-HOUSE MECHANICAL VENTILATION RATE FACTORS<sup>a,b</sup>**

<b><u>RUN-TIME PERCENTAGE IN EACH 4-HOUR SEGMENT</u></b>	<b><u>25%</u></b>	<b><u>33%</u></b>	<b><u>50%</u></b>	<b><u>66%</u></b>	<b><u>75%</u></b>	<b><u>100%</u></b>
<b><u>Factor<sup>a</sup></u></b>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1.5</u>	<u>1.3</u>	<u>1.0</u>

a. For ventilation system run time values between those given, the factors are permitted to be determined by interpolation.

b. Extrapolation beyond the table is prohibited.

**Section R403.6.3 Verification.**

Section R403.6.3 - Add a new Section R403.6.3 to read as follows:

**R403.6.3 Verification.** Installed performance of the mechanical ventilation system shall be tested and verified by an approved agency and measured using a flow hood, flow grid, or other airflow measuring device in accordance with Air Conditioning Contractors of America (ACCA) HVAC Quality Installation Verification Protocols – ANSI/ACCA 9QIvp-2016.

**Section R403.8 Systems serving multiple dwelling units (Mandatory).**

Section R403.8 - Revise Section R403.8 to read as follows:

**R403.8 Systems serving multiple dwelling units (Mandatory).** Systems serving multiple dwelling units shall comply with Sections C403 and C404 in lieu of Section R403.

**Section R403.9 Snow melt and ice system controls (Mandatory).**

Section R403.9 - Revise Section R403.9 to read as follows:

**R403.9 Snow melt and ice system controls (Mandatory).** Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of and configured to shut off the system when the pavement temperature is greater than 50°F (10°C) and precipitation is not falling, and an automatic or manual control that will allow shutoff when the outdoor temperature is greater than 40°F (4.8°C).

**Section R403.12 Residential pools and permanent residential spas.**

Section R403.12 - Revise Section R403.12 to read as follows:

**R403.12 Residential pools and permanent residential spas.** Residential swimming pools and permanent residential spas that are accessory to one- and two-family dwellings and townhouses three stories or less in height above grade plane and that are available only to the household and its guests shall be in accordance with APSP-15a.

## **SECTION R404**

### **ELECTRICAL POWER AND LIGHTING SYSTEMS**

#### **Section R404.1 Lighting equipment (Mandatory).**

Section R404.1 - Revise Section R404.1 to read as follows:

**R404.1 Lighting equipment (Mandatory).** Not less than 90 percent of the permanently installed lighting fixtures shall use lamps with an efficacy of at least 65 lumens per watt, or have a total luminaire efficacy of at least 45 lumens per watt.

#### **Section R404.2 Electrical energy consumption (Mandatory).**

Section R404.2 - Add a new Section R404.2 to read as follows:

**R404.2 Electrical energy consumption (Mandatory).** In all buildings having individual dwelling units, provisions shall be made to determine the electrical energy consumed by each unit by separately metering individual dwelling units.

#### **Section R404.3 Electrical vehicle service equipment capable (Mandatory).**

Section R404.3 - Add a new Section R404.3 to read as follows:

**R404.3 Electrical vehicle service equipment capable (Mandatory).** One or two-family dwellings and townhouses with parking area provided on the building site shall provide a 208/240V 40-amp outlet for each dwelling unit or panel capacity and conduit for the future installation of such an outlet. Outlet or conduit termination shall be adjacent to the parking area. For residential occupancies where there is a common parking area, provide either:

1. Panel capacity and conduit for the future installation of 208/240V 40-amp outlets for 5 percent of the total parking spaces, but not less than one outlet, or
2. 208/240V 40-amp outlets for 5 percent of the total parking spaces, but not less than one outlet.

## **SECTION R405**

### **SIMULATED PERFORMANCE ALTERNATIVE (PERFORMANCE)**

#### **Section R405.3 Performance-based compliance.**

Section R405.3 – Revise the Exception to Section R405.3 to read as follows:

**Exception:** The energy use based on source energy expressed in Btu or Btu per square foot of conditioned floor area shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 2.55. The source energy multiplier for fuels other than electricity shall be 1.05.

**TABLE R405.5.2(1) Specifications for the Standard Reference and Proposed Designs**

Table R405.5.2(1) - Revise the row titled “Heating Systems<sup>d, e</sup>” of Table R405.5.2(1) to read as follows:

<u>Heating systems<sup>d, e</sup></u>	<p><u>For other than electric heating without a heat pump: as proposed.</u></p> <p><u>Where the proposed design utilizes electric heating without a heat pump, the standard reference design shall be an air source heat pump meeting the requirements of Section C403 of this Code.</u></p> <p><u>Capacity: sized in accordance with Section R403.7.</u></p>	<u>As proposed</u>
---------------------------------------	---	--------------------

Table R405.5.2(1) - Revise footnote h to Table R405.5.2(1) to read as follows:

h. For residences with conditioned basements, R-2 residences, and for townhouses, the following formula shall be used to determine glazing area:

$$AF = As \times FA \times F$$

where:

AF    ≡ Total glazing area.

As     ≡ Standard reference design total glazing area.

FA     ≡ (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 × below-grade boundary wall area).

F       ≡ (above-grade thermal boundary wall area)/(above-grade thermal boundary wall area + common wall area) or 0.56, whichever is greater, and where:

Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions.

Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.

Below-grade boundary wall is any thermal boundary wall in soil contact.

Common wall area is the area of walls shared with an adjoining dwelling unit. L and CFA are in the same units.

**SECTION R406**  
**ENERGY RATING INDEX**  
**COMPLIANCE ALTERNATIVE**

**Section R406.2 Mandatory requirements.**

Section R406.2 Mandatory requirements – Delete Section R406.2 in its entirety and add a new Section R406.2 to read as follows:

**R406.2 Mandatory requirements.** Compliance with this section requires that the provisions identified in Sections R401 through R404 indicated as “Mandatory” and Section R403.5.3 be met. The building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficients in Table 402.1.1 or 402.1.3 of the 2011 New York City Energy Conservation Code.

**Section R406.3 Energy Rating Index.**

Section R406.3 Energy Rating Index – Revise the first sentence of Section R406.3 to read as follows:

The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301, and the ERI Reference Design Ventilation rate shall be in accordance with Equation 4-1.

**Table R406.4 Maximum Energy Rating Index**

Table R406.4 – Revise the Table R406.4 to read as follows:

**TABLE R406.4**  
**MAXIMUM ENERGY RATING INDEX**

<b><u>CLIMATE ZONE</u></b>	<b><u>ENERGY RATING INDEX<sup>a</sup></u></b>
<u>4</u>	<u>50</u>
<u>5</u>	<u>61</u>
<u>6</u>	<u>61</u>

a. Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2016 New York City Energy Conservation Code.

**CHAPTER R5**  
**EXISTING BUILDINGS**

**SECTION R501**  
**GENERAL**

**Section R501.4 Compliance.**

Section R501.4 - Delete Section R501.4 in its entirety and add a new Section R501.4 to read as follows:

**R501.4 Compliance.** Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with (i) all applicable provisions of this code, (ii) the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the New York City Construction Codes, (iii) the New York City Fire Code, and (iv) the New York City Electrical Code.

## **SECTION R502**

### **ADDITIONS**

#### **Section R502.1.1.1 Building envelope.**

Section R502.1.1.1 – Revise the first sentence of Section R502.1.1.1 to read as follows:

New building envelope assemblies that are part of the addition shall comply with Sections R402.1, R402.2, R402.3.1 through R402.3.5, and R402.4.

## **SECTION R503**

### **ALTERATIONS**

#### **Section R503.1.1 Building envelope.**

Section R503.1.1 – Delete Exception 7 of Section R503.1.1.

#### **Section R503.1.4 Lighting**

Section R503.1.4 – Revise the Exception to Section R503.1.4 to read as follows:

**Exception:** Alterations that replace less than 20 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

**CHAPTER R6****REFERENCED STANDARDS**

Chapter R6 – Delete Chapter R6 in its entirety and add a new chapter R6 to read as follows:

**CHAPTER R6****REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of the commercial provisions of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section ECC 105. 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.

**AAMA**

American Architectural  
Manufacturers Association  
1827 Walden Office  
Square  
Suite 550  
Schaumburg, IL 60173-  
4268

**AAMA/WDMA/CSA 101/LS.2/A C440—17: North American Fenestration Standard/Specifications for Windows, Doors and Unit Skylights**

R402.4.3

**ACCA**

Air Conditioning  
Contractors of  
America  
2800 Shirlington Road,  
Suite 300  
Arlington, VA 22206

**ANSI/ACCA 9QIvp—2016: HVAC Quality Installation Verification Protocols**

R403.6.3

**Manual D—16: Residential Duct Systems**

R403.3.8

**Manual J—11: Residential Load Calculation Eighth Edition**

R403.7



**Manual S—14: Residential Equipment Selection**R403.7**ANSI**American National  
Standards Institute  
25 West 43rd Street, 4th  
Floor  
New York, NY 10036**ANSI/ACCA 9QIvp-2016: HVAC Quality Installation Verification Protocols**R403.6.3**ANSI/ASHRAE/IESNA 90.1-2016: Energy Standard for Buildings Except Low-rise Residential Buildings**CH1 (Intro Statement), 101.1.1, R202**ANSI/ASHRAE/IES 90.1-2016 (AS AMENDED) with revisions as set forth in Appendix CA of this code**101.1.1, 101.5.1.1, 105.1, R202, R402.6.1**ANSI/APSP/ICC 14—2014: American National Standard for Portable Electric Spa Energy Efficiency**R403.11**ANSI/APSP/ICC 15a—2011: American National Standard for Residential Swimming Pool and Spa Energy Efficiency—includes Addenda A Approved January 9, 2013**R403.12**ANSI/DASMA 105—2016: Test Method for Thermal Transmittance and Air Infiltration of Garage Doors and Rolling Doors**R303.1.3**ANSI Z 65—1996: Method for Measuring Floor Area in Office Buildings**R402.4.1.2, R402.4.1.3**APSP**The Association of Pool &  
Spa  
Professionals  
2111 Eisenhower Avenue,  
Suite

500Alexandria, VA 22314**ANSI/APSP/ICC 14—2014: American National Standard for Portable Electric Spa Energy Efficiency**R403.11**ANSI/APSP/ICC 15a—2011: American National Standard for Residential Swimming Pool and Spa Energy Efficiency—includes Addenda A Approved January 9, 2013**R403.12**ASHRAE**ASHRAE1791 Tullie Circle NEAtlanta, GA 30329**ANSI/ASHRAE/IESNA 90.1—2016: Energy Standard for Buildings Except Low-rise Residential Buildings**CH1 (Intro Statement), 101.1.1, R202**ANSI/ASHRAE/IES 90.1—2016 (AS AMENDED) with revisions as set forth in Appendix CA of this code**101.1.1, 101.5.1.1, 105.1, R202, R402.6.1**ASHRAE—2017: ASHRAE Handbook of Fundamentals**R402.1.5**ASHRAE—2001: 2001 ASHRAE Handbook of Fundamentals**Table R405.5.2(1)**ASHRAE 193—2010(RA 2014): Method of Test for Determining the Airtightness of HVAC Equipment**R403.3.2.1**ASHRAE Research Project 1365—2011: Thermal Performance of Building Envelope Details for Mid-and High-Rise Buildings**Table R402.6**ASTM**ASTM International100 Barr Harbor Drive,P.O. BoxC700West Conshohocken, PA19428-2959

**C1363—11: Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus**

R303.1.4.1

**E283—04(2012): Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen**

R202, R402.4.5

**E779—10: Standard Test Method for Determining Air Leakage Rate by Fan Pressurization**

R402.4.1.2, R402.4.1.3

**E1827—11: Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door**

R402.4.1.2

**E2178—13: Standard Test Method for Air Permeance of Building Method**

R202

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# **BC** **HYDRO**

BC Hydro Power Smart

333 Dunsmuir Street

Vancouver, BC

V6B 5R3

**Building Envelope Thermal Bridging Guide Version 1.2 — 18**

Table R402.6

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# **BOMA**

Building Owners and  
Managers Association  
(BOMA) International  
1101 15<sup>th</sup> Street, NW

Suite 800  
Washington, DC 20005

**ANSI/BOMA Z65.1-1996: Standard Method for Measuring Floor Area in Office Buildings**

R402.4.1.2, R402.4.1.3

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# **CSA**

CSA Group  
8501 East Pleasant Valley  
Road  
Cleveland, OH 44131-  
5516

**AAMA/WDMA/CSA 101/I.S.2/A440—17: North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights**

R402.4.3

**CSA B55.1—2015: Test Method for Measuring Efficiency and Pressure Loss of Drain Water Heat Recovery Units**

R403.5.4

**CSA B55.2—2015: Drain Water Heat Recovery Units**

R403.5.4

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**DASMA**

Door & Access Systems  
Manufacturers  
Association  
1300 Sumner Avenue  
Cleveland, OH 44115-  
2851

**105—2016: Test Method for Thermal Transmittance and Air Infiltration of Garage Doors and Rolling Doors**

R303.1.3

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**DOE**

U.S. Department of  
Energy  
c/o Superintendent of  
Documents  
U.S. Government  
Printing Office  
Washington, DC 20402-  
9325

**(Current Edition): State Energy Price and Expenditure Report**

R405.3

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**HVI**

Home Ventilating Institute  
1000 North Rand Road,  
Suite 214  
Wauconda, IL 60084

**916—09: Airflow Test Procedure**

Table R403.6.1**ICC**

International Code Council,  
Inc.  
500 New Jersey Avenue  
NW  
6th Floor  
Washington, DC 20001

**ANSI/APSP/ICC 14—2014: American National Standard for Portable Electric Spa Energy Efficiency**R403.11**ANSI/APSP/ICC 15a—2011: American National Standard for Residential Swimming Pool and Spa Energy Efficiency—includes Addenda A Approved January 9, 2013**R403.12**ICC 400—17: Standard on the Design and Construction of Log Structures**R402.1, Table R402.4.1.1**IECC—18: International Energy Conservation Code<sup>®</sup>**CH1 (Intro Statement), 101.1.1**IECC—06: 2006 International Energy Conservation Code<sup>®</sup>**R202**ANSI/RESNET/ICC 301—2014: Standard for the Calculation and Labeling of the Energy Performance of Low-rise Residential Buildings using an Energy Rating Index First Published March 7, 2014—Republished January 2016, including Addenda D, E, G and K**R406.3, R406.6.1, R406.6.5**ANSI/RESNET/ICC 380—2016: Standard for Testing Airtightness for Building Enclosures, Airtightness of Heating and Cooling Air Distribution Systems and Airflow of Mechanical Ventilation Systems—Republished January 2016, including Addendum A**R402.4.1.2**IEEE**

Institute of Electrical and  
Electronic  
Engineers, Inc.  
3 Park Avenue, 17th Floor  
New York, NY 10016-5997

**515.1—2012: IEEE Standard for the Testing, Design, Installation and Maintenance of Electrical Resistance Trace Heating for Commercial Applications**

R403.5.1.2

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**IES**

Illuminating Engineering  
Society

120 Wall Street, 17th Floor

New York, NY 10005-4001

**ANSI/ASHRAE/IESNA 90.1—2016: Energy Standard for Buildings Except Low-rise Residential Buildings**

CH1 (Intro Statement), 101.1.1, R202

**ANSI / ASHRAE / IES 90.1—2016 (AS AMENDED) with revisions as set forth in Appendix CA of this code**

101.1.1, 101.5.1.1, 105.1, R202, R402.6.1

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**NFRC**

National Fenestration  
Rating

Council, Inc.

6305 Ivy Lane, Suite 140

Greenbelt, MD 20770

**100—2017: Procedure for Determining Fenestration Products U-factors**

R303.1.3

**200—2017: Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence**

R303.1.3

**400—2017: Procedure for Determining Fenestration Product Air Leakage**

R402.4.3

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**NYC**

New York City Department  
of Buildings

280 Broadway

New York, NY 10007

**1968 Building Code**101.2.1**NYCAC—14: New York City Administrative Code**CH1 (Intro Statement), 101.1, 101.2.1, 101.5.2.2, 101.5.2.3, 102.1, 103.1, 103.2.1, 103.3, 103.4, 104.1, 104.1.1, 104.3, 105.1, R202**NYCBC—14: New York City Building Code**101.2.1, 101.2.2, 103.2.1, R202, R303.1.1, R303.2, R402.1.1, R402.2.11**NYCCC—14: New York City Construction Codes**101.2.1, 102.1, 103.1, 104.2.3, R201.3, R201.4, R402.4.2, R501.4**NYCECC—16: New York City Energy Conservation Code**Table R406.4**NYCECC—11: New York City Energy Conservation Code**R406.2**NYCEC—11: New York City Electrical Code**101.2.1, R201.3, R201.4, R501.4**NYCFC—14: New York City Fire Code**101.2.1, R201.3, R201.4, R501.4**NYCMC—14: New York City Mechanical Code**101.2.1, R402.4.4, R403.3.2, R403.6**NYS**New York Department of  
StateOne Commerce Plaza, 99  
Washington AveAlbany, NY 12231-0001**BCNYS—20: Building Code of New York State**R202**ECCCNYS—20: Energy Conservation Construction Code of New York State**CH1 (Intro Statement), 101.1.1, 101.2.3, 101.3

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**RESNET**

Residential Energy  
Services  
Network, Inc.  
P.O. Box 4561  
Oceanside, CA 92052-  
4561

**ANSI/RESNET/ICC 301—2014: Standard for the Calculation and Labeling of the Energy Performance of Low-rise Residential Buildings using an Energy Rating Index First Published March 7, 2014—Republished January 2016, including Addenda D, E, G and K**

R406.3, R406.6.1, R406.6.5

**ANSI/RESNET/ICC 380—2016: Standard for Testing Airtightness for Building Enclosures, Airtightness of Heating and Cooling Air Distribution Systems, and Airflow of Mechanical Ventilation Systems—Republished January 2016, including Addendum A**

R402.4.1.2

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**UL**

UL LLC  
333 Pfingsten Road  
Northbrook, IL 60062

**127—11: Standard for Factory Built Fireplaces—with Revisions through May 2015**

R402.4.2

**515—11: Electrical Resistance Heat Tracing for Commercial and Industrial Applications Including Revisions through July 2015**

R403.5.1.2

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**US-FTC**

United States-Federal Trade  
Commission  
600 Pennsylvania Avenue  
NW  
Washington, DC 20580

**CFR Title 16 (2015): R-value Rule**

R303.1.4

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**WDMA**

Window and Door  
Manufacturers  
Association

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2025 M Street NW, Suite  
800  
Washington, DC 20036-  
3309

**AAMA/WDMA/CSA 101/LS.2/A440—17: North American Fenestration Standard/Specification for Windows,  
Doors and Unit Skylights**

R402.4.3

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**APPENDIX RA**  
**SOLAR-READY PROVISIONS – DETACHED ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES**

**Appendix RA Solar-Ready Provisions – Detached One- and Two-Family Dwellings and Townhouses.**

Appendix RA – Delete Appendix RA in its entirety.

**§ 28-1001.2.3 New York city amendments to the 2016 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1-2016”), as amended by 19 NYCRR section 1240.3. Add a new Appendix CA to be inserted after chapter C6 to read as follows:**

**APPENDIX CA**

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

**SECTION CA101**

**SCOPE**

**CA101.1 Scope.** This Appendix provides the modifications to the nationally recognized standard ASHRAE 90.1-2016, as amended by 19 NYCRR Section 1240.3, governing commercial energy efficiency. Where a referenced publication has been modified for the City of New York by the New York City Construction Codes including the New York City Energy Conservation Code, every reference to such publication shall be deemed to include all such modifications.

**SECTION CA102**

**ENERGY STANDARD FOR COMMERCIAL BUILDINGS**

**CA102.1 General.** 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.

**Section 3 - Definitions, Abbreviations, and Acronyms**

Section 3.2 – Revise the definition “authority having jurisdiction” after the definition of “attic and other roofs,” to read as follow:

**authority having jurisdiction:** the commissioner or the commissioner’s designee.

Section 3.2 – Add a definition “baseline building source energy” after the definition of “baseline building performance,” to read as follow:

**baseline building source energy:** the annual source energy use in units of Btu for a building design intended for use as a baseline for rating above-standard design or when using the performance rating method as an alternative path for minimum standard compliance in accordance with Section 4.2.1.1.

Section 3.2 – Revise the footnote 1, supporting the definition of “building envelope trade-off schedules and loads,” to read as follows:

<sup>1</sup>Schedules and internal loads by building area type are located at <http://sspc901.ashraepcs.org/documents.php>

Section 3.2 – Revise the definition “building official” after the definition of “building material,” to read as follows:

**building official:** The Commissioner of Buildings of the City of New York or his or her duly authorized representative. See Section 28-101.5 of the Administrative Code.

Section 3.2 – Revise the definition of “labeled” to read as follows:

**labeled:** See Section 28-101.5 of the Administrative Code.

Section 3.2 – Revise the definition of “on-site renewable energy” after the definition of “occupant sensor” to read as follows:

**on-site renewable energy:** energy derived from solar radiation, wind, waves, tides, landfill gas, biogas, biomass or the internal heat of the earth. The energy system providing on-site renewable energy shall be located on the project site.

Section 3.2 – Add a definition of “proposed building source energy” after the definition of “proposed building performance,” to read as follows:

**proposed building source energy:** the annual source energy use in units of Btu for a proposed design.

Section 3.2 – Revise the definition of “simulation program” after the definition of “sidelighting effective aperture,” to read as follows:

**simulation program:** a computer program, including the simulation engine and the corresponding user interface that is capable of simulating the energy performance of building systems.

Section 3.2 – Add a definition of “site energy” after the definition of “simulation program,” to read as follows:

**site energy:** the amount of fuel that is consumed on-site to operate a building.

Section 3.2 – Add a definition of “source energy” after the definition of “solar heat gain coefficient (SHGC),” to read as follows:

**source energy:** the total amount of primary fuel that is required to operate a building incorporating transmission, delivery, and production losses. Source Energy is calculated by multiplying site energy of each fuel type by the conversion factors in Table 4.2.1.2.

Section 3.2 – Add a definition of “spandrel panel” after the definition of “space-conditioning category,” to read as follows:

**spandrel panel:** an opaque assembly within a fenestration framing system in a wall that is part of the building thermal envelope. Such panels are considered to be a portion of the opaque thermal envelope assembly.

Section 3.2 – Add a definition of “thermal bridge” after the definition of “thermal block,” to read as follows:

**thermal bridge:** thermal bridges are elements that interrupt areas of uniform thermal resistance in the building envelope.

**clear field thermal bridge:** an area-based thermal transmittance associated with elements of a building envelope assembly which repeat at regular intervals. Examples of clear field thermal bridges include metal or wood stud, brick ties and cladding attachments such as z-girts.

**linear thermal bridge:** a length-based thermal transmittance associated with horizontal, vertical, or diagonal elements within the building envelope and with length measured along the exterior surface of the building envelope. Examples of linear thermal bridges include balconies or floor assemblies which penetrate walls in the building envelope, fenestration perimeter interfaces, parapets, and shelf angles. Linear thermal transmittance is heat flow divided by length and by the temperature difference between the interior and exterior sides of the assembly, represented by a  $\Psi$ -value (Psi-Value) in units Btu/hr • ft • °F.

**point thermal bridge:** an element-based thermal transmittance associated with a discrete element that penetrates the building envelope. Examples of point thermal bridges include a beam penetrating a wall, a column penetrating a roof or floor, and an anchor or connection used to attach an element to the building and not otherwise addressed as a clear field thermal bridge or linear thermal bridge. Point thermal transmittance is heat flow divided by the temperature difference between the interior and exterior sides of the assembly, represented by a X-value (Chi-Value) in units Btu/hr • °F.

## **Section 4 - Administration and Enforcement**

### **Section 4.2.1.1 New Buildings**

Delete Section 4.2.1.1 in its entirety, and replace with a new Section 4.2.1.1 to read as follows:

#### **4.2.1.1 New Buildings**

New buildings shall comply with either the provisions of

- a. Section 5, “Building Envelope”; Section 6, “Heating, Ventilating, and Air Conditioning”; Section 7, “Service Water Heating”; Section 8, “Power”; Section 9, “Lighting”; Section 10, “Other Equipment”; and Appendix I “Required Additional Efficiency Packages,” or
- b. Section 11, “Energy Cost Budget Method,” or
- c. Appendix G, “Performance Rating Method,” using one of the following:

##### **1. Performance Cost Index Method**

When using Appendix G, the Performance Cost Index (PCI) shall be less than or equal to the Performance Cost Index Target (PCIT) when calculated in accordance with the following:

$$PCI_t = [BBUEC + (BPF_{cost} \times BBREC)]/BBP$$

where

PCI = Performance Cost Index calculated in accordance with Section G1.2.

BBUEC = Baseline Building Unregulated Energy Cost, the portion of the annual energy cost of a baseline building design that is due to unregulated energy use.

BBREC = Baseline Building Regulated Energy Cost, the portion of the annual energy cost of a baseline building design that is due to regulated energy use.

BPF<sub>cost</sub> = Building Performance Factor from Table 4.2.1.1. For building area types not listed in Table 4.2.1.1 use “All others.” Where a building has multiple building area types, the required BPF<sub>cost</sub> shall be equal to the area-weighted average of the building area types.

BBP = Baseline Building Performance.

Regulated energy cost shall be calculated by multiplying the total energy cost by the ratio of regulated energy use to total energy use for each fuel type. Unregulated energy cost shall be calculated by subtracting regulated energy cost from total energy cost.

**2. Performance Source Energy Index Method**

When using Appendix G, the Performance Source Energy Index (PSEI) shall be less than or equal to the Performance Source Energy Index Target (PSEI<sub>t</sub>) when calculated in accordance with the following:

$$PSEI_t = [BBUSE + (BPF_{source} \times BBRSE)]/BBSE$$

where

PSEI = Performance Source Energy Index calculated in accordance with Section G1.2.

BBUSE = Baseline building unregulated source energy use in units of Btu, the portion of the annual site energy of a baseline building design that is due to unregulated energy use multiplied by the site to source conversion ratios in Table 4.2.1.2 for each fuel type.

BBRSE = Baseline building regulated source energy use in units of Btu, the portion of the annual site energy of a baseline building design that is due to regulated energy use multiplied by the site to source conversion ratios in Table 4.2.1.2 for each fuel type.

BPF<sub>source</sub> = Building Performance Factor from Table 4.2.1.3. For building area types not listed in Table 4.2.1.3 use “All others.” Where a building has multiple building area types, the required BPF<sub>source</sub> shall be equal to the area-weighted average of the building area types.

BBSE = Baseline Building source energy.

**Table 4.2.1.1 – Building Performance Factor (Cost)**

Delete Table 4.2.1.1 in its entirety, and replace with a new Table 4.2.1.1 to read as follows:

**Table 4.2.1.1 Building Performance Factor (Cost) (BPF<sub>cost</sub>)**

<u>Building Area Type</u>	<u>Climate Zone</u>		
	<u>4A</u>	<u>5A</u>	<u>6A</u>
<u>Multifamily</u>	<u>0.67</u>	<u>0.67</u>	<u>0.64</u>
<u>Healthcare/ hospital</u>	<u>0.54</u>	<u>0.54</u>	<u>0.51</u>
<u>Hotel/motel</u>	<u>0.62</u>	<u>0.56</u>	<u>0.56</u>
<u>Office</u>	<u>0.54</u>	<u>0.54</u>	<u>0.55</u>
<u>Restaurant</u>	<u>0.56</u>	<u>0.55</u>	<u>0.55</u>
<u>Retail</u>	<u>0.45</u>	<u>0.42</u>	<u>0.44</u>
<u>School</u>	<u>0.45</u>	<u>0.46</u>	<u>0.46</u>
<u>Warehouse</u>	<u>0.42</u>	<u>0.42</u>	<u>0.46</u>
<u>All others</u>	<u>0.53</u>	<u>0.52</u>	<u>0.52</u>

**Table 4.2.1.2 – Site to Source Energy Conversion Ratios**

Add a new Table 4.2.1.2 to read as follows:

**Table 4.2.1.2 Site to Source Energy Conversion Ratios**

<b><u>Energy Type</u></b>	<b><u>New York Ratio</u></b>
<u>Electricity (Grid Purchase)</u>	<u>2.55</u>
<u>Electricity (On-site Renewable Energy Installation)</u>	<u>1.00</u>
<u>Natural Gas</u>	<u>1.05</u>
<u>Fuel Oil</u>	<u>1.01</u>
<u>Propane &amp; Liquid Propane</u>	<u>1.01</u>
<u>Steam</u>	<u>1.20</u>
<u>Hot Water</u>	<u>1.20</u>
<u>Chilled Water, Coal, Wood, Other</u>	<u>1.00</u>

**Table 4.2.1.3 – Building Performance Factor (Source)**

Add a new Table 4.2.1.3 to read as follows:

**Table 4.2.1.3 Building Performance Factor (Source) (BPF<sub>source</sub>)**

<b><u>Building Area Type</u></b>	<b><u>Climate Zone</u></b>		
	<b><u>4A</u></b>	<b><u>5A</u></b>	<b><u>6A</u></b>
<u>Multifamily</u>	<u>0.68</u>	<u>0.68</u>	<u>0.65</u>
<u>Healthcare/ hospital</u>	<u>0.56</u>	<u>0.56</u>	<u>0.54</u>
<u>Hotel/motel</u>	<u>0.62</u>	<u>0.56</u>	<u>0.54</u>
<u>Office</u>	<u>0.55</u>	<u>0.55</u>	<u>0.56</u>
<u>Restaurant</u>	<u>0.63</u>	<u>0.64</u>	<u>0.63</u>
<u>Retail</u>	<u>0.45</u>	<u>0.42</u>	<u>0.43</u>
<u>School</u>	<u>0.45</u>	<u>0.45</u>	<u>0.45</u>
<u>Warehouse</u>	<u>0.44</u>	<u>0.46</u>	<u>0.49</u>
<u>All others</u>	<u>0.55</u>	<u>0.54</u>	<u>0.54</u>

**Section 4.2.1.3 Alterations of Existing Buildings**

Section 4.2.1.3 – Delete Section 4.2.1.3 in its entirety and replace with a new Section 4.2.1.3 to read as follows:

**4.2.1.3 Alterations of Existing Buildings**

Alterations of existing buildings shall comply with the provisions of Sections 5, 6, 7, 8, 9, and 10, or Section 11 or Normative Appendix G, provided, however, that nothing in this standard shall require compliance with any provision of this standard if such compliance will result in the increase of energy consumption of the building.

**Exception to 4.2.1.3**

Historic buildings need not comply with these requirements.

**Section 5 - Building Envelope****5.1.3 Envelope Alterations**

Section 5.1.3 - Delete Exception 8.

**Section 5.2.3 – Additional Requirements to Comply with Section 11 and Appendix G**

Add a new Section 5.2.3 to read as follows:

**5.2.3 Additional Requirements to Comply with Section 11 and Appendix G**

For projects following the Energy Cost Budget Method (Section 11), or the Performance Rating Method (Appendix G), which are 25,000 square feet and greater, the building envelope shall comply with either:

- a. Section 5.5, “Prescriptive Building Envelope Option,” or
- b. An envelope performance factor shall be calculated in accordance with Appendix C of this standard, and buildings shall comply with one of the following:

1. For multifamily, hotel/motel and dormitory building area types, the margin by which the proposed envelope performance factor exceeds the base envelope performance factor shall not be greater than 15%. For compliance with this requirement, the base envelope performance factor shall be calculated using metal framing operable windows. In buildings with window area accounting for 40% or more of the gross wall area, the SHGC of the vertical fenestration on east and west oriented façade may be reduced by the following multiplier to account for the permanent site shading from existing buildings or infrastructure.

$$M_{\text{West}} = 0.18 + 0.33/\text{WWR}$$

$$M_{\text{East}} = 0.35 + 0.26/\text{WWR}$$

Where:

$M_{\text{West}}$  = SHGC multiplier for the West façade

$M_{\text{East}}$  = SHGC multiplier for the East façade

$\text{WWR}$  = the ratio of the proposed vertical fenestration area to the gross wall area in consistent units.

The multiplier may be applied to the rated SHGC of the vertical fenestration which has at least 50% of the area located directly opposite of the shading surfaces and no higher from the street level than the difference between the shading surface height and the shading surface distance from the façade. Orientation must be determined following Section 5.5.4.5, Fenestration Orientation.

2. For all other building area types, the margin by which the proposed envelope performance factor exceeds the base envelope performance factor shall be not greater than 7%. For compliance with this requirement, the base envelope performance factor shall be calculated using metal framing fixed windows.
3. For mixed-use buildings the margin shall be calculated as the gross wall area-weighted average of 1 and 2 above.

#### **Section 5.4.3.1.3 – Testing, Acceptable Materials, and Assemblies**

Delete Section 5.4.3.1.3 in its entirety and replace with a new Section 5.4.3.1.3 to read as follows:

##### **5.4.3.1.3 Testing, Acceptable Materials, and Assemblies**

The building shall comply with whole-building pressurization testing in accordance with Section 5.4.3.1.3(a) or with the continuous air barrier requirements in Section 5.4.3.1.3(b) or 5.4.3.1.3(c).

##### **Exceptions to 5.4.3.1.3:**

1. New buildings and additions 10,000 square feet and greater, but less than 50,000 square feet, and less than or equal to 75 feet in height, must show compliance through testing in accordance with Section 5.4.3.1.3(a) and department rules.
2. New buildings and additions 10,000 square feet and greater, but less than 50,000 square feet, and greater than 75 feet in height, shall test or inspect each type of unique air barrier joint or seam in the building envelope for continuity and defects, as per an Air Barrier Continuity Plan developed



by a registered design professional. Alternatively, such buildings and additions may show compliance through testing in accordance with Section 5.4.3.1.3(a) and department rules.

3. New buildings and additions 50,000 square feet and greater shall test or inspect each type of unique air barrier joint or seam in the building envelope for continuity and defects, as per an Air Barrier Continuity Plan developed by a registered design professional. Alternatively, such buildings and additions may show compliance through testing in accordance with Section 5.4.3.1.3(a) and department rules.

a. Whole-building pressurization testing shall be conducted in accordance with ASTM E779, ASTM E1827, or other approved standards, by an independent third party. The measured air leakage rate of the building envelope shall not exceed 0.40 cfm/ft<sup>2</sup> under a pressure differential of 0.3 in. of water, with this air leakage rate normalized by the sum of the above and below-grade building envelope areas of the conditioned and semiheated space. R-2 buildings may alternatively show compliance through testing in accordance with Section R402.4.1.3 of the New York City Energy Conservation Code.

**Exception to 5.4.3.1.3(a)**

1. For buildings having over 50,000 ft<sup>2</sup> of gross conditioned floor area, air leakage testing shall be permitted to be conducted on less than the whole building, provided the following portions of the building are tested and their measured air leakage is area-weighted by the surface areas of the building envelope:
  - a. The entire floor area of all stories that have any spaces directly under a roof.
  - b. The entire floor area of all stories that have a building entrance or loading dock.
  - c. Representative above-grade wall sections of the building totaling at least 25% of the wall area enclosing the remaining conditioned space; floor area tested per (a) and (b) shall not be included in the 25%.
- b. Materials that have an air permeance not exceeding 0.004 cfm/ft<sup>2</sup> under a pressure differential of 0.3 in. of water (1.57 psf) when tested in accordance with ASTM E2178. The following materials meet these requirements:
  1. Plywood—minimum 3/8 in.
  2. Oriented strand board—minimum 3/8 in.
  3. Extruded polystyrene insulation board—minimum 1/2 in.
  4. Foil-faced urethane insulation board—minimum 1/2 in.
  5. Exterior gypsum sheathing or interior gypsum board—minimum 1/2 in.
  6. Cement board—minimum 1/2 in.
  7. Built-up roofing membrane
  8. Modified bituminous roof membrane
  9. Single-ply roof membrane
  10. A Portland cement/sand parge, stucco, or gypsum plaster—minimum 1/2 in. thick
  11. Cast-in-place and precast concrete

12. Sheet metal13. Closed-cell 2 lb/ft<sup>3</sup> nominal density spray polyurethane foam—minimum 1 in.

c. Assemblies of materials and components (sealants, tapes, etc.) that have an average air leakage not to exceed 0.04 cfm/ft<sup>2</sup> under a pressure differential of 0.3 in. of water (1.57 psf) when tested in accordance with ASTM E2357, ASTM E1677, ASTM E1680, or ASTM E283. The following assemblies meet these requirements:

1. Concrete masonry walls that are

- (a) fully grouted, or
- (b) painted to fill the pores.

**Section 5.4.3.4 Vestibules**

Section 5.4.3.4 – Revise Exception 7 to read as follows:

- 7. Doors that open directly from a space that is less than 3,000 ft<sup>2</sup> in area and is separate from the building entrance, in buildings less than 75 feet in height, and doors that open directly from a space that is less than 1,000 square feet in area, in buildings 75 feet and greater in height.

Section 5.4.3.4 – Delete Exception 9 in its entirety.

**Section 5.4.4 Thermal Bridges**

Section 5.4.4 – Add a new Section 5.4.4 and a new Table 5.4.4 to read as follows:

**5.4.4 Thermal bridges**

Applications for construction document approval shall include the following documentation of thermal bridges:

**5.4.4.1 Clear field thermal bridges**

Where otherwise not included in pre-calculated assembly U-factors, C-factors, or F-factors outlined in Appendix A of this standard, clear field thermal bridges in a wall, roof, or floor assembly shall be noted as such in the drawings.

**5.4.4.2 Point thermal bridges**

Point thermal bridges greater than or equal in area to 12 in<sup>2</sup> and not associated with HVAC or electrical systems shall be noted as thermal bridges in the drawings.

**5.4.4.3 Linear thermal bridges**

Construction documents shall include the following documentation in tabular format for linear thermal bridges listed in Table 5.4.4:

- 1. Linear thermal bridge type.
- 2. Aggregate length of each type of linear thermal bridge.
- 3. Relevant detail in the construction documents showing a cross-section through the thermal bridge.
- 4.  $\Psi$ -value for each thermal bridge from Table 5.4.4.

**Exception to 5.4.4.3**

Where linear thermal bridges have been tested or modeled using methods approved by the department, alternate values may be used.

**Table 5.4.4**

**Average Thermal Transmittance for Unmitigated Linear Thermal Bridges**

<b><u>Type of Thermal Bridge</u></b>	<b><u>Ψ-value<sup>a</sup></u></b> <b><u>[Btu/hr • ft • °F]</u></b>
<u>Balcony</u>	<u>0.50</u>
<u>Floor Slab</u>	<u>0.44</u>
<u>Fenestration Perimeter Transition<sup>b</sup></u>	<u>0.32</u>
<u>Parapet</u>	<u>0.42</u>
<u>Shelf Angle</u>	<u>0.41</u>

a. Psi-values are derived from the BC Hydro Building Envelope Thermal Bridging Guide Version 1.2—September 2018, and are based on poor performing details.

b. Fenestration Perimeter Transition is the thermal bridge between any fenestration frame and the typical wall, roof or floor assembly it abuts or is mounted within.

**Section 5.5.1**

Section 5.5.1 - Revise Section 5.5.1 to read as follows:

**5.5.1**

For a conditioned space, the exterior building envelope shall comply with either the nonresidential or residential requirements in Tables 5.5-4 through 5.5-6 for the appropriate climate.

Delete Tables 5.5-0 through 5.5-3, Table 5.5-7, and Table 5.5-8 in their entirety.

Delete Table 5.5-4 and replace with a new Table 5.5-4 to read as follows:

<b><u>Table 5.5-4 Building Envelope Requirements for Climate Zone 4 (A,B,C)*</u></b>						
<b><u>Opaque Elements</u></b>	<b><u>Nonresidential</u></b>		<b><u>Residential</u></b>		<b><u>Semiheated</u></b>	
	<b><u>Assembl y Maximu m</u></b>	<b><u>Insulation Min. R-Value</u></b>	<b><u>Assembly Maximum</u></b>	<b><u>Insulation Min. R-Value</u></b>	<b><u>Assembly Maximu m</u></b>	<b><u>Insulation Min. R-Value</u></b>

<u>Roofs</u>						
<u>Insulation entirely above deck</u>	<u>U-0.030</u>	<u>R-33 c.i.</u>	<u>U-0.030</u>	<u>R-33 c.i.</u>	<u>U-0.093</u>	<u>R-10 c.i.</u>
<u>Metal building<sup>a</sup></u>	<u>U-0.035</u>	<u>R-19 + R-11 Ls or R-25 + R-8 Ls</u>	<u>U-0.035</u>	<u>R-19 + R-11 Ls or R-25 + R-8 Ls</u>	<u>U-0.082</u>	<u>R-19</u>
<u>Attic and other</u>	<u>U-0.020</u>	<u>R-53</u>	<u>U-0.020</u>	<u>R-53</u>	<u>U-0.034</u>	<u>R-30</u>
<u>Walls, above Grade</u>						
<u>Mass</u>	<u>U-0.099</u>	<u>R-11.2 c.i.</u>	<u>U-0.086</u>	<u>R-13.25 c.i.</u>	<u>U-0.580</u>	<u>NR</u>
<u>Metal building</u>	<u>U-0.048</u>	<u>R-13 + R-14.9 c.i.</u>	<u>U-0.048</u>	<u>R-13 + R-14.9 c.i.</u>	<u>U-0.162</u>	<u>R-13</u>
<u>Steel-framed</u>	<u>U-0.061</u>	<u>R-13 + R-8.5 c.i.</u>	<u>U-0.061</u>	<u>R-13 + R-8.5 c.i.</u>	<u>U-0.124</u>	<u>R-13</u>
<u>Wood-framed and other</u>	<u>U-0.061</u>	<u>R-13 + R-4.5 c.i. or R-19 + R-1.5 c.i.</u>	<u>U-0.061</u>	<u>R-13 + R-4.5 c.i. or R-19 + R-1.5 c.i.</u>	<u>U-0.089</u>	<u>R-13</u>
<u>Wall, below Grade</u>						
<u>Below-grade wall</u>	<u>C-0.119</u>	<u>R-7.5 c.i.</u>	<u>C-0.092</u>	<u>R-10 c.i.</u>	<u>C-1.140</u>	<u>NR</u>
<u>Floors</u>						
<u>Mass</u>	<u>U-0.057</u>	<u>R-14.6 c.i.</u>	<u>U-0.051</u>	<u>R-16.7 c.i.</u>	<u>U-0.107</u>	<u>R-6.3 c.i.</u>
<u>Steel joist</u>	<u>U-0.033</u>	<u>R-38</u>	<u>U-0.033</u>	<u>R-38</u>	<u>U-0.052</u>	<u>R-19</u>
<u>Wood-framed and other</u>	<u>U-0.033</u>	<u>R-30</u>	<u>U-0.033</u>	<u>R-30</u>	<u>U-0.051</u>	<u>R-19</u>
<u>Slab-on-Grade Floors</u>						
<u>Unheated</u>	<u>F-0.520</u>	<u>R-15 for 24 in.</u>	<u>F-0.520</u>	<u>R-15 for 24 in.</u>	<u>F-0.730</u>	<u>NR</u>
<u>Heated</u>	<u>F-0.63</u>	<u>R-20 for 48 in. + R-5 full slab</u>	<u>F-0.63</u>	<u>R-20 for 48 in. + R-5 full slab</u>	<u>F-0.900</u>	<u>R-10 for 24 in.</u>
<u>Opaque Doors</u>						
<u>Swinging</u>	<u>U-0.370</u>		<u>U-0.370</u>		<u>U-0.370</u>	
<u>Nonswinging</u>	<u>U-0.310</u>		<u>U-0.310</u>		<u>U-0.360</u>	

<u>Fenestration</u>	<u>Assembly Max. U</u>	<u>Assembly Max. SHGC</u>	<u>Assembly Min. VT/SHGC</u>	<u>Assembly Max. U</u>	<u>Assembly Max. SHGC</u>	<u>Assembly Min. VT/SHGC</u>	<u>Assembly Max. U</u>	<u>Assembly Max. SHGC</u>	<u>Assembly Min. VT/SHGC</u>	
<u>Vertical Fenestration, 0% to 40% of Wall</u>	-	<u>(for all frame types)</u>		-	<u>(for all frame types)</u>		-	<u>(for all frame types)</u>		
<u>Nonmetal framing, all</u>	<u>0.28</u>	<u>0.36</u>	<u>1.10</u>	<u>0.28</u>	<u>0.36</u>	<u>1.10</u>	<u>0.51</u>	<u>NR</u>	<u>NR</u>	
<u>Metal framing, fixed, below 95 ft<sup>b</sup></u>	<u>0.30</u>			<u>0.30</u>			<u>0.73</u>			
<u>Metal framing, fixed, above 95 ft<sup>b</sup></u>	<u>0.36</u>			<u>0.36</u>			<u>0.73</u>			
<u>Metal framing, operable, below 95 ft<sup>b</sup></u>	<u>0.40</u>			<u>0.40</u>			<u>0.81</u>			
<u>Metal framing, operable, above 95ft<sup>b</sup></u>	<u>0.42</u>			<u>0.42</u>			<u>0.81</u>			
<u>Curtainwall fixed</u>	<u>0.36</u>			<u>0.36</u>			<u>0.73</u>			
<u>Metal framing, Entrance doors</u>	<u>0.68</u>			<u>0.68</u>			<u>0.77</u>			
<u>Skylight, 0% to 3% of Roof</u>										
<u>All types</u>	<u>0.48</u>	<u>0.38</u>	<u>NR</u>	<u>0.48</u>	<u>0.38</u>	<u>NR</u>	<u>1.15</u>	<u>NR</u>	<u>NR</u>	
<p>*The following definitions apply: c.i. = continuous insulation (see Section 3.2), FC = filled cavity (see Section A2.3.2.5), Ls = liner system (see Section A2.3.2.4), NR = no (insulation) requirement.</p> <p>a. When using the R-value compliance method for metal building roofs, a thermal spacer block is required (see Section A2.3.2).</p> <p>b. Where any portion of the fenestration frame is installed at or above 95 feet above grade, the unit may meet the requirements for above 95 feet.</p>										

**Section 5.5.3 Opaque Areas**

Section 5.5.3 – Add two new Exceptions 3 and 4 to to the Exceptions to Section 5.5.3 to read as follows:

3. When the total area of penetrations from through-the-wall equipment or equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5, and compliance shall be shown with method b. Where mechanical equipment has been tested in accordance with testing standards, approved by

the authority having jurisdiction, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.

4. For opaque assemblies in curtain wall framing or other fenestration framing systems, compliance shall be shown using the effective u-factor values of Table 5.5.3.

Add a new Table 5.5.3 Effective U-factors for Spandrel Panels and Glass Curtain Walls to read as follows:

**Table 5.5.3 Effective U-factors for Spandrel Panels and Glass Curtain Walls<sup>a</sup>**

<b><u>Frame Type</u></b>	<b><u>Spandrel Panel</u></b>	<b><u>Rated R-value of Insulation between Framing Members</u></b>						
		<b><u>R-4</u></b>	<b><u>R-7</u></b>	<b><u>R-10</u></b>	<b><u>R-15</u></b>	<b><u>R-20</u></b>	<b><u>R-25</u></b>	<b><u>R-30</u></b>
<b><u>Aluminum without Thermal Break<sup>b</sup></u></b>	<u>Single glass pane, stone, or metal panel</u>	<u>0.242</u>	<u>0.222</u>	<u>0.212</u>	<u>0.203</u>	<u>0.198</u>	<u>0.195</u>	<u>0.193</u>
	<u>Double glass with no low-e coatings</u>	<u>0.233</u>	<u>0.218</u>	<u>0.209</u>	<u>0.202</u>	<u>0.197</u>	<u>0.194</u>	<u>0.192</u>
	<u>Triple or low-e glass</u>	<u>0.226</u>	<u>0.214</u>	<u>0.207</u>	<u>0.200</u>	<u>0.196</u>	<u>0.194</u>	<u>0.192</u>
<b><u>Aluminum with Thermal Break<sup>c</sup></u></b>	<u>Single glass pane, stone, or metal panel</u>	<u>0.211</u>	<u>0.186</u>	<u>0.173</u>	<u>0.162</u>	<u>0.155</u>	<u>0.151</u>	<u>0.149</u>
	<u>Double glass with no low-e coatings</u>	<u>0.200</u>	<u>0.180</u>	<u>0.170</u>	<u>0.160</u>	<u>0.154</u>	<u>0.151</u>	<u>0.148</u>
	<u>Triple or low-e glass</u>	<u>0.191</u>	<u>0.176</u>	<u>0.167</u>	<u>0.159</u>	<u>0.153</u>	<u>0.150</u>	<u>0.148</u>
<b><u>Structural Glazing<sup>d</sup></u></b>	<u>Single glass pane, stone, or metal panel</u>	<u>0.195</u>	<u>0.163</u>	<u>0.147</u>	<u>0.132</u>	<u>0.123</u>	<u>0.118</u>	<u>0.114</u>
	<u>Double glass with no low-e coatings</u>	<u>0.180</u>	<u>0.156</u>	<u>0.142</u>	<u>0.129</u>	<u>0.122</u>	<u>0.117</u>	<u>0.114</u>
	<u>Triple or low-e glass</u>	<u>0.169</u>	<u>0.150</u>	<u>0.138</u>	<u>0.127</u>	<u>0.121</u>	<u>0.116</u>	<u>0.113</u>
<b><u>No framing or Insulation is continuous<sup>e</sup></u></b>	<u>Single glass pane, stone, or metal panel</u>	<u>0.148</u>	<u>0.102</u>	<u>0.078</u>	<u>0.056</u>	<u>0.044</u>	<u>0.036</u>	<u>0.031</u>
	<u>Double glass with no low-e coatings</u>	<u>0.136</u>	<u>0.097</u>	<u>0.075</u>	<u>0.054</u>	<u>0.043</u>	<u>0.035</u>	<u>0.030</u>
	<u>Triple or low-e glass</u>	<u>0.129</u>	<u>0.093</u>	<u>0.073</u>	<u>0.053</u>	<u>0.042</u>	<u>0.035</u>	<u>0.030</u>

- a. Opaque assembly U-factors based on designs tested in accordance with ASTM C1363 or NFRC 100 shall be permitted. Interpolation outside of the table shall not be permitted. Spandrel panel assemblies in the table do not include metal backpans.
- b. Aluminum frame without a thermal break shall be used for systems where the mullion provides a thermal bridge through the insulation.
- c. Aluminum frame with a thermal break shall be used for systems where a urethane or other nonmetallic element separates the metal exposed to the exterior from the metal that is exposed to the interior condition.
- d. Structural glazing frame type shall be used for systems that have no exposed mullion on the interior.

- e. No framing or continuous insulation shall be used for systems where there is no framing or the insulation is continuous and uninterrupted between framing.

### **Section 5.5.3.7 Continuous Insulation**

Section 5.5.3.7 – Add a new section 5.5.3.7 to read as follows:

#### **5.5.3.7 Continuous Insulation**

In new construction, balconies and parapets that interrupt the building thermal envelope shall comply with one of the following:

1. Shall be insulated with continuous insulation having a minimum thermal resistance equivalent to the continuous insulation component required in the adjacent wall assembly as listed in Table 5.5-4. Where more than one wall assembly is interrupted by an adjacent balcony, the higher thermal resistance shall be followed.
2. Shall incorporate a minimum R-3 thermal break where the structural element penetrates the building thermal envelope.

### **Section 5.6 Building Envelope Trade-Off Option**

Section 5.6.1.1 - Add a new sentence at the end of Section 5.6.1.1 to read as follows:

When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5.

Section 5.6.1.1 – Add a new exception to Section 5.6.1.1 to read as follows:

#### **Exception to 5.6.1.1**

Where mechanical equipment has been tested in accordance with testing standards approved by the authority having jurisdiction, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.

### **5.7.5 Submittal Documentation of Air Barrier Commissioning**

Section 5.7.5 – Add a new Section 5.7.5 to read as follows:

#### **5.7.5 Submittal Documentation of Air Barrier Commissioning**

For new buildings or additions that are 10,000 square feet and greater, prior to passing final inspection, the approved agency shall provide evidence of air barrier commissioning and substantial completion in accordance with the provisions of Sections 5.7.5.1 through 5.7.5.3 .

##### **5.7.5.1 Documentation**

Construction documents shall include documentation of the continuous air barrier components included in the design and a field inspection checklist that includes all requirements necessary for maintaining air barrier continuity and durability in accordance with Section 5.4.3.1.

##### **5.7.5.2 Field Inspections**

Reports from field inspections during project construction showing compliance with continuous air barrier requirements including proper material handling and storage, use of approved materials and material substitutes, proper material and surface preparation, and air barrier continuity shall be provided to the owner

and, upon request, to the building official . Air barrier continuity shall be determined by testing or inspecting each type of unique air barrier joint or seam in the building envelope for continuity and defects.

### **5.7.5.3 Report**

A Final Commissioning Report indicating compliance with the continuous air barrier requirements shall be provided to the building owner and, upon request, to the building official.

## **Section 6 – Heating, Ventilating, and Air Conditioning**

### **Section 6.1.1.3.2**

Section 6.1.1.3.2 – Revise Section 6.1.1.3.2. to read as follows:

#### **6.1.1.3.2**

New cooling systems installed to serve previously uncooled spaces and new heating systems installed to serve previously unheated spaces shall comply with this section as described in Section 6.2.

### **Section 6.3.2 Criteria**

Section 6.3.2 – Revise item e of Section 6.3.2 to read as follows:

- e. Heating (if any) shall be provided by a unitary packaged or split-system heat pump that meets the applicable efficiency requirements shown in Table 6.8.1-2 (heat pumps) or Table 6.8.1-4 (packaged terminal and room air conditioners and heat pumps), a fuel-fired furnace that meets the applicable efficiency requirements shown in Table 6.8.1-5 (furnaces, duct furnaces, and unit heaters), an electric resistance heater, or a baseboard system connected to a boiler that meets the applicable efficiency requirements shown in Table 6.8.1-6 (boilers) and Section 6.4.1.6 (Buildings With High Efficiency Space Heating Gas Boiler Systems).

### **Section 6.4.1.6 Buildings With High Efficiency Space Heating Gas Boiler Systems**

Section 6.4.1.6 – Add a new Section 6.4.1.6 to read as follows:

#### **6.4.1.6 Buildings With High Efficiency Space Heating Gas Boiler Systems**

New buildings where space heating is served by one or more gas hot water boilers with a minimum thermal efficiency ( $E_t$ ) of 90% when rated in accordance with the test procedures in Table 6.8.1-6 shall comply with this section, unless otherwise approved by the authority having jurisdiction. The hot water distribution system shall be designed so that the coils and other heat exchangers are selected such that at outdoor design conditions, the hot water return temperature entering the boilers is 120°F, or less when the boiler is firing.

### **Section 6.4.3.4.2 Shutoff Damper Controls**

Section 6.4.3.4.2 – Add a new Exception 5 to Section 6.4.3.4.2 to read as follows:

5. Shutoff dampers are not required in ventilation or exhaust systems that are required by the New York City Mechanical Code to operate continuously, 24 hours per day, 7 days per week.

### **Section 6.4.3.4.5 Enclosed Parking Garage Ventilation**

Section 6.4.3.4.5 – Revise Exception 1 to Section 6.4.3.4.5 to read as follows:

1. Garages with a total exhaust capacity less than 5,000 cfm with ventilation systems that do not utilize mechanical cooling or mechanical heating.



**Section 6.4.4.1.3 Piping Insulation**

Section 6.4.4.1.3 – Delete Exception 3 to Section 6.4.4.1.3, and renumber Exceptions 4 and 5 to Section 6.4.4.1.3 as Exceptions 3 and 4 of such Section, respectively.

**Section 6.5.3.6 Fractional Horsepower Fan Motors**

Section 6.5.3.6 - Revise Exception 3 to Section 6.5.3.6 to read as follows:

3. Motors covered by Table 10.8-3 or Table 10.8-4.

**Section 6.5.6.1 Exhaust Air Energy Recovery**

Section 6.5.6.1 - Revise Exception 6 to Section 6.5.6.1 to read as follows:

6. Where the sum of the airflow rates exhausted and relieved within 30 feet of each other is less than 75% of the design ventilation outdoor air flow rate, excluding exhaust air that is any of the following:
  - a. used for another energy recovery system,
  - b. not allowed by ASHRAE Standard 170 for use in energy recovery systems with leakage potential,
  - c. prohibited by the New York City Mechanical Code, or
  - d. of Class 4 as defined in ASHRAE 62.1.

**Section 6.7.2.3 System Balancing**

Section 6.7.2.3 - Delete Section 6.7.2.3 in its entirety and replace with a new Section 6.7.2.3 to read as follows:

**6.7.2.3 Mechanical, renewable energy, and service water heating systems commissioning and completion requirements**

Prior to passing the final mechanical and plumbing inspections, the approved agency shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section.

Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the owner or owner's authorized agent and made available to the building official upon request in accordance with Sections 6.7.2.3.4 and 6.7.2.3.5.

Mechanical systems, renewable energy, and service water heating systems shall include but are not limited to, at a minimum, the following heating, ventilating, air conditioning, service water heating, indoor air quality and refrigeration systems (mechanical and/or passive) and associated controls:

- a. Heating, cooling, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.
- b. Air, water, and other energy recovery systems.
- c. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy based control, including energy management functions of the building management system.
- d. Plumbing, including insulation of piping and associated valves, domestic and process water pumping, and mixing systems.
- e. Mechanical heating systems and service water heating systems.

- f. Refrigeration systems.
- g. Renewable energy and energy storage systems.
- h. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use.

### **Exceptions to 6.7.2.3**

1. Mechanical systems and service water heating systems in new buildings, additions, or alterations where either the total mechanical equipment capacity being installed or the total mechanical equipment connected load serving the alteration space is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.
2. Renewable energy systems being installed with a generating capacity of less than 25 kW.

### **6.7.2.3.1 Commissioning Plan**

A commissioning plan shall be developed by an approved agency and shall include the following items:

- a. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities.
- b. A listing of the specific equipment, appliances or systems to be tested, their full sequences of operation, and a description of the tests to be performed, including prerequisite activities and reference to specific checklists or worksheets which are necessary or required by the department.
- c. Functions to be tested including, but not limited to, calibrations and economizer controls.
- d. Conditions under which the test will be performed. Testing shall affirm winter and summer design conditions and full outside air conditions.
- e. Measurable criteria for performance.

### **6.7.2.3.2 Systems Adjusting and Balancing**

HVAC systems shall be balanced in accordance with ASHRAE 111, "Testing, Adjusting, and Balancing of Building HVAC Systems" or other accepted engineering standards as approved by the department. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the product specifications. Test and balance activities shall include air system and hydronic system balancing.

#### **6.7.2.3.2.1 Air Systems Balancing**

Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the New York City Mechanical Code. Discharge dampers used for air-system balancing are prohibited on constant-volume fans and variable-volume fans with motors 10 hp and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.

#### **6.7.2.3.2.2 Hydronic Systems Balancing**

Individual hydronic heating and cooling coils shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize

throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure across the pump, or test ports at each side of each pump.

#### **Exceptions to 6.7.2.3.2.2**

The following equipment is not required to be equipped with a means for balancing or measuring flow:

- a. Pumps with pump motors of 5 hp or less.
- b. Where throttling results in no greater than 5% of the nameplate horsepower draw above that required if the impeller were trimmed.

#### **6.7.2.3.3 Functional Performance Testing**

Functional performance testing specified in Sections 6.7.2.3.3.1 through 6.7.2.3.3.3 shall be conducted.

##### **6.7.2.3.3.1 Equipment**

Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications such that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all modes and sequence of operation, including under full-load, part-load and the following emergency conditions:

- a. All modes as described in the sequence of operation.
- b. Redundant or automatic back-up mode.
- c. Performance of alarms.
- d. Mode of operation upon a loss of power and restoration of power.

##### **Exception to 6.7.2.3.3.1**

Unitary or packaged HVAC equipment listed in Tables 6.8.1-1, 6.8.1-2, or 6.8.1-4 that do not require supply air economizers shall only be required to demonstrate functioning under full-load and part-load conditions.

##### **6.7.2.3.3.2 Controls**

HVAC and service water-heating control systems shall be tested to document that control devices, components, equipment and systems are calibrated and adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to document they operate in accordance with approved plans and specifications.

##### **6.7.2.3.3.3 Economizers**

Air economizers shall undergo a functional test to determine that they operate in accordance with manufacturer's specifications.

#### **6.7.2.3.4 Preliminary Commissioning Report**

A preliminary report of commissioning test procedures and results shall be completed and certified by the approved agency and provided to the building owner or owner's authorized agent. The report shall be organized with mechanical and service hot water findings in separate sections to allow independent review.

The report shall be identified as “Preliminary Commissioning Report” and shall include the completed Commissioning Compliance Checklist, and shall identify:

- a. Itemization of deficiencies found during testing required by this section that have not been corrected at the time of report preparation.
- b. Deferred tests that cannot be performed at the time of report preparation because of climatic conditions.
- c. Climatic conditions required for performance of the deferred tests.
- d. Results of functional performance tests.
- e. Functional performance test procedures used during the commissioning process, including measurable criteria for test acceptance.

#### **6.7.2.3.4.1 Acceptance of Report**

Buildings, or portions thereof, shall not be considered acceptable for a final inspection pursuant to Article 116 of Chapter 1 of Title 28 of the Administrative Code until the building official has received a letter of transmittal from the building owner acknowledging that the building owner or owner’s authorized agent has received the Preliminary Commissioning Report.

#### **6.7.2.3.4.2 Copy of Report**

The building official shall be permitted to require that a copy of the Preliminary Commissioning Report be made available for review by the building official.

#### **6.7.2.3.5 Documentation Requirements**

The construction documents shall specify that the documents described in Sections 6.7.2.3.5.1 through 6.7.2.3.5.3 be provided to the building owner or owner’s authorized agent within 90 days of the date of receipt of the certificate of occupancy. The construction documents shall also specify that the Final Commissioning Report be provided to the building owner or owner’s authorized agent in accordance with the requirements of Section 6.7.2.3.5.4.

##### **6.7.2.3.5.1 Drawings**

Construction documents shall include the location and performance data on each piece of equipment.

##### **6.7.2.3.5.2 Manuals**

An operating and maintenance manual shall be provided and include all of the following:

- a. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.
- b. Manufacturer’s operation manuals and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
- c. Name and address of at least one service agency.
- d. HVAC and service hot water controls system maintenance and calibration information, including wiring diagrams, schematics and control sequence descriptions. Desired or field-determined set points shall be permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions.

**6.7.2.3.5.3 System Balancing Report**

A written report describing the activities and measurements completed in accordance with Section 6.7.2.3.2.

**6.7.2.3.5.4 Final Commissioning Report**

Within 30 months for new buildings 500,000 gross square feet or greater, excluding R-2 occupancies, or within 18 months for R-2 occupancies and all other buildings, of the issuance of the certificate of occupancy or letter of completion, an approved agency shall prepare a report of test procedures and results, including test procedures and results performed after occupancy, identified as the “Final Commissioning Report,” provide such report to the building owner, and submit a certification to the department with applicable fees in accordance with department rules. The owner of a building 500,000 gross square feet or greater may apply for an extension of time to the building official based on good cause, in accordance with department rules. Such report shall include the following:

- a. Results of functional performance tests.
- b. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.
- c. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

**Exception to 6.7.2.3.5.4**

Deferred tests that cannot be performed at the time of report preparation due to climatic conditions.

**Section 6.7.2.4 System Commissioning**

Section 6.7.2.4 - Delete Section 6.7.2.4 in its entirety.

**Table 6.8.1-4 Electrically Operated Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Single-Package Vertical Air Conditioners, Single-Package Vertical Heat Pumps, Room Air Conditioners, and Room Air-Conditioner Heat Pumps—Minimum Efficiency Requirements**

Revise Table 6.8.1-4 to read as follows:

**Table 6.8.1-4**  
**Electrically Operated Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Single-Package Vertical Air Conditioners, Single-Package Vertical Heat Pumps, Room Air Conditioners, and Room Air-Conditioner Heat Pumps—Minimum Efficiency Requirements**

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure<sup>a</sup></u>
<u>PTAC (cooling mode) standard size</u>	<u>All capacities</u>	<u>95°F db outdoor air</u>	<u><math>14.0 - (0.300 \times \text{Cap}/1000)^c</math> EER</u>	<u>AHRI 310/380</u>
<u>PTAC (cooling mode) nonstandard size<sup>b</sup></u>	<u>All capacities</u>	<u>95°F db outdoor air</u>	<u><math>10.9 - (0.213 \times \text{Cap}/1000)^c</math> EER</u>	
<u>PTHP (cooling mode) standard size</u>	<u>All capacities</u>	<u>95°F db outdoor air</u>	<u><math>14.0 - (0.300 \times \text{Cap}/1000)^c</math> EER</u>	
<u>PTHP (cooling mode) nonstandard size<sup>b</sup></u>	<u>All capacities</u>	<u>95°F db outdoor air</u>	<u><math>10.8 - (0.213 \times \text{Cap}/1000)^c</math> EER</u>	
<u>PTHP (heating mode) standard size</u>	<u>All capacities</u>	_____	<u><math>3.7 - (0.052 \times \text{Cap}/1000)^c</math> COP<sub>H</sub></u>	
<u>PTHP (heating mode) nonstandard size<sup>b</sup></u>	<u>All capacities</u>	_____	<u><math>2.9 - (0.026 \times \text{Cap}/1000)^c</math> COP<sub>H</sub></u>	

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure<sup>a</sup></u>
<u>SPVAC (cooling mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>95°F db/75°F wb outdoor air</u>	<u>11.0 EER</u>	<u>AHRI 390</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u>		<u>10.0 EER</u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>10.0 EER</u>	
<u>SPVHP (cooling mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>95°F db/75°F wb outdoor air</u>	<u>11.0 EER</u>	<u>AHRI 390</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u>		<u>10.0 EER</u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>10.0 EER</u>	
<u>SPVHP (heating mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>47°F db/43°F wb outdoor air</u>	<u>3.3 COP<sub>H</sub></u>	<u>AHRI 390</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u>		<u>3.0 COP<sub>H</sub></u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>3.0 COP<sub>H</sub></u>	

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure<sup>a</sup></u>
<u>SPVAC (cooling mode), nonweatherized space constrained</u>	$\leq 30,000$ Btu/h	<u>95°F db/75°F wb outdoor air</u>	<u>9.2 EER</u>	<u>AHRI 390</u>
	$> 30,000$ Btu/h and $\leq 36,000$ Btu/h		<u>9.0 EER</u>	
<u>SPVHP (cooling mode), nonweatherized space constrained</u>	$\leq 30,000$ Btu/h	<u>95°F db/75°F wb outdoor air</u>	<u>9.2 EER</u>	<u>AHRI 390</u>
	$> 30,000$ Btu/h and $\leq 36,000$ Btu/h		<u>9.0 EER</u>	
<u>SPVHP (heating mode), nonweatherized space constrained</u>	$\leq 30,000$ Btu/h	<u>47°F db/43°F wb outdoor air</u>	<u>3.0 COP<sub>H</sub></u>	<u>AHRI 390</u>
	$> 30,000$ Btu/h and $\leq 36,000$ Btu/h		<u>3.0 COP<sub>H</sub></u>	
<u>Room air conditioners, without reverse cycle with louvered sides</u>	$< 6,000$ Btu/h		<u>11.0 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
	$\geq 6,000$ Btu/h and $< 8,000$ Btu/h		<u>11.0 CEER</u>	
	$> 8,000$ Btu/h and $< 14,000$ Btu/h		<u>10.9 CEER</u>	
	$\geq 14,000$ Btu/h and $< 20,000$ Btu/h		<u>10.7 CEER</u>	
	$\geq 20,000$ Btu/h and $< 28,000$ Btu/h		<u>9.4 CEER</u>	



<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure<sup>a</sup></u>
	$\geq 28,000$ Btu/h		<u>9.0 CEER</u>	
<u>Room air conditioners, without reverse cycle without louvered sides</u>	$< 6,000$ Btu/h		<u>10.0 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
	$\geq 6,000$ Btu/h and $< 8,000$ Btu/h		<u>10.0 CEER</u>	
	$\geq 8,000$ Btu/h and $< 11,000$ Btu/h		<u>9.6 CEER</u>	
	$\geq 11,000$ Btu/h and $< 14,000$ Btu/h		<u>9.5 CEER</u>	
	$\geq 14,000$ Btu/h and $< 20,000$ Btu/h		<u>9.3 CEER</u>	
	$\geq 20,000$ Btu/h		<u>9.4 CEER</u>	
<u>Room air conditioners, with reverse cycle, with louvered sides</u>	$< 20,000$ Btu/h		<u>9.8 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
	$\geq 20,000$ Btu/h		<u>9.3 CEER</u>	
<u>Room air conditioners, with reverse cycle, without louvered sides</u>	$< 14,000$ Btu/h		<u>9.3 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
	$\geq 14,000$ Btu/h		<u>8.7 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure<sup>a</sup></u>
<u>Room air conditioner, casement only</u>	<u>All capacities</u>		<u>9.5 CEER</u>	<u>10 CFR Part 430, Subpart B, Appendix F</u>
<u>Room air conditioner, casement slider</u>	<u>All capacities</u>		<u>10.4 CEER</u>	

a. Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

b. Nonstandard size units must be factory labeled as follows: "MANUFACTURED FOR NONSTANDARD SIZE APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW STANDARD PROJECTS." Nonstandard size efficiencies apply only to units being installed in existing sleeves having an external wall opening of less than 16 in. high or less than 42 in. wide and having a cross-sectional area less than 670 in<sup>2</sup>.

c. "Cap" means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

**Table 6.8.1-5 Warm-Air Furnaces and Combination Warm-Air Furnaces/Air-Conditioning Units, Warm-Air Duct Furnaces, and Unit Heaters – Minimum Efficiency Requirements**

Revise Table 6.8.1-5 to read as follows:

**Table 6.8.1-5 Warm-Air Furnaces and Combination Warm-Air Furnaces/Air-Conditioning Units, Warm-Air Duct Furnaces, and Unit Heaters – Minimum Efficiency Requirements**

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure<sup>a</sup></u>
<u>Warm-air furnace, gas fired</u>	<u>&lt;225,000 Btu/h</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% AFUE</u> or <u>80% E<sub>t</sub><sup>b,d</sup></u>	<u>DOE 10 CFR Part 430 or Section 2.39, Thermal Efficiency, ANSI Z21.47</u>
	<u>≥225,000 Btu/h</u>		<u>80% E<sub>t</sub><sup>d</sup></u>	

<u>Warm-air furnace, oil fired</u>	<u>&lt;225,000 Btu/h</u>	<u>Maximum capacity<sup>c</sup></u>	<u>83% AFUE</u> <u>or</u> <u>80% E<sub>t</sub><sup>b,d</sup></u>	<u>DOE 10 CFR Part 430 or</u> <u>Section 42, Combustion, UL</u> <u>727</u>
	<u>≥225,000 Btu/h</u>		<u>81% E<sub>t</sub><sup>d</sup></u>	<u>Section 42, Combustion, UL</u> <u>727</u>
<u>Warm-air duct furnaces, gas fired</u>	<u>All capacities</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% E<sub>c</sub><sup>e</sup></u>	<u>Section 2.10, Efficiency,</u> <u>ANSI Z83.8</u>
<u>Warm-air unit heaters, gas fired</u>	<u>All capacities</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% E<sub>c</sub><sup>e,f</sup></u>	<u>Section 2.10, Efficiency,</u> <u>ANSI Z83.8</u>
<u>Warm-air unit heaters, oil fired</u>	<u>All capacities</u>	<u>Maximum capacity<sup>c</sup></u>	<u>80% E<sub>c</sub><sup>e,f</sup></u>	<u>Section 40, Combustion, UL</u> <u>731</u>

a. Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

b. Combination units not covered by the U.S. Department of Energy Code of Federal Regulations 10 CFR 430 (three-phase power or cooling capacity greater than or equal to 65,000 Btu/h) may comply with either rating.

c. Compliance of multiple firing rate units shall be at the maximum firing rate.

d. E<sub>t</sub> = thermal efficiency. Units must also include an interrupted or intermittent ignition device (IID), have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

e. E<sub>c</sub> = combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

f. As of August 8, 2008, according to the Energy Policy Act of 2005, units must also include an interrupted or intermittent ignition device (IID) and have either power venting or an automatic flue damper.

### **Table 6.8.1-9 Electrically Operated Variable-Refrigerant-Flow Air Conditioners - Minimum Efficiency Requirements**

Revise Table 6.8.1-9 to read as follows:

#### **Table 6.8.1-9** **Electrically Operated Variable-Refrigerant-Flow Air Conditioners - Minimum Efficiency Requirements**

<b><u>Equipment Type</u></b>	<b><u>Size Category</u></b>	<b><u>Heating Section Type</u></b>	<b><u>Subcategory or Rating Condition</u></b>	<b><u>Minimum Efficiency</u></b>	<b><u>Test Procedure</u></b>
	<u>&lt; 65,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system</u>	<u>13.0 SEER</u>	<u>AHRI 1230</u>

<u>VRF air conditioners, air cooled</u>	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>11.2 EER</u> <u>15.5 IEER</u>
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>11.0 EER</u> <u>14.9 IEER</u>
	<u>≥ 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>10.0 EER</u> <u>13.9 IEER</u>

**Table 6.8.1-10 Electrically Operated Variable-Refrigerant-Flow and Applied Heat Pumps—Minimum Efficiency Requirements**

Revise Table 6.8.1-10 to read as follows:

**Table 6.8.1-10**  
**Electrically Operated Variable-Refrigerant-Flow and Applied Heat Pumps—Minimum Efficiency Requirements**

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>VRF air cooled (cooling mode)</u>	<u>&lt; 65,000 Btu/h</u>	<u>All</u>		<u>13.0 SEER</u>	<u>AHRI 1230</u>
	<u>≥ 65,000 Btu/h and &lt; 135,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>11.0 EER</u> <u>14.6 IEER</u>	
			<u>VRF multisplit system with heat recovery</u>	<u>10.8 EER</u> <u>14.4 IEER</u>	
	<u>≥ 135,000 Btu/h and &lt; 240,000 Btu/h</u>		<u>VRF multisplit system</u>	<u>10.6 EER</u> <u>13.9 IEER</u>	
	<u>≥ 240,000 Btu/h</u>		<u>VRF multisplit system with heat recovery</u>	<u>10.4 EER</u> <u>13.7 IEER</u>	
			<u>VRF multisplit system</u>	<u>9.5 EER</u> <u>12.7 IEER</u>	
			<u>VRF multisplit system with heat recovery</u>	<u>9.3 EER</u> <u>12.5 IEER</u>	
<u>VRF water source (cooling mode)</u>	<u>&lt; 65,000 Btu/h</u>		<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>12.0 EER</u> <u>16.0 IEER</u>
		<u>VRF multisplit systems with heat recovery 86°F entering water</u>		<u>11.8 EER</u> <u>15.8 IEER</u>	
	<u>≥ 65,000 Btu/h and &lt; 135,000</u>	<u>VRF multisplit systems 86°F entering water</u>		<u>12.0 EER</u> <u>16.0 IEER</u>	

<b>Equipment Type</b>	<b>Size Category</b>	<b>Heating Section Type</b>	<b>Subcategory or Rating Condition</b>	<b>Minimum Efficiency</b>	<b>Test Procedure</b>
	$\geq 135,000$ Btu/h and $< 240,000$ Btu/h		<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>11.8 EER</u> <u>15.8 IEER</u>	
			<u>VRF multisplit systems 86°F entering water</u>	<u>10.0 EER</u> <u>14.0 IEER</u>	
	<u>VRF multisplit systems with heat recovery 86°F entering water</u>		<u>9.8 EER</u> <u>13.8 IEER</u>		
	<u>VRF multisplit systems 86°F entering water</u>		<u>10.0 EER</u> <u>12.0 IEER</u>		
	<u>VRF multisplit systems with heat recovery 86°F entering water</u>		<u>9.8 EER</u> <u>11.8 IEER</u>		
<u>VRF groundwater source (cooling mode)</u>	$< 135,000$ Btu/h	<u>All</u>	<u>VRF multisplit system 59°F entering water</u>	<u>16.2 EER</u>	<u>AHRI 1230</u>
	$\geq 135,000$ Btu/h		<u>VRF multisplit system with heat recovery 59°F entering water</u>	<u>16.0 EER</u>	
	$\geq 135,000$ Btu/h		<u>VRF multisplit system 59°F entering water</u>	<u>13.8 EER</u>	
	$\geq 135,000$ Btu/h		<u>VRF multisplit system with heat recovery 59°F entering water</u>	<u>13.6 EER</u>	
<u>VRF groundwater source (cooling mode)</u>	$< 135,000$ Btu/h	<u>All</u>	<u>VRF multisplit system 77°F entering water</u>	<u>13.4 EER</u>	<u>AHRI 1230</u>
	$\geq 135,000$ Btu/h		<u>VRF multisplit system with heat recovery 77°F entering water</u>	<u>13.2 EER</u>	
			<u>VRF multisplit system 77°F entering water</u>	<u>11.0 EER</u>	
			<u>VRF multisplit system with heat recovery 77°F entering water</u>	<u>10.8 EER</u>	
<u>VRF air cooled (heating mode)</u>	$< 65,000$ Btu/h (cooling capacity)		<u>VRF multisplit system</u>	<u>7.7 HSPF</u>	<u>AHRI 1230</u>
	$\geq 65,000$ Btu/h and $< 135,000$ Btu/h (cooling capacity)		<u>VRF multisplit system 47°F db/43°F wb outdoor air</u>	<u>3.3 COP<sub>H</sub></u>	
			<u>17°F db/15°F wb outdoor air</u>	<u>2.25 COP<sub>H</sub></u>	
	$\geq 135,000$ Btu/h (cooling capacity)		<u>VRF multisplit system 47°F db/43°F wb outdoor air</u>	<u>3.2 COP<sub>H</sub></u>	
			<u>17°F db/15°F wb outdoor air</u>	<u>2.05 COP<sub>H</sub></u>	
<u>VRF water source (heating mode)</u>	$< 65,000$ Btu/h (cooling capacity)		<u>VRF multisplit system 68°F entering water</u>	<u>4.3 COP<sub>H</sub></u>	<u>AHRI 1230</u>
	$\geq 65$ Btu/h and $< 135,000$ Btu/h (cooling capacity)		<u>VRF multisplit system 68°F entering water</u>	<u>4.3 COP<sub>H</sub></u>	

<b>Equipment Type</b>	<b>Size Category</b>	<b>Heating Section Type</b>	<b>Subcategory or Rating Condition</b>	<b>Minimum Efficiency</b>	<b>Test Procedure</b>
	$\geq 135,000$ Btu/h and $< 240,000$ Btu/h (cooling capacity)		VRF multisplit system 68°F entering water	4.0 COP <sub>H</sub>	
	$\geq 240,000$ Btu/h (cooling capacity)		VRF multisplit system 68°F entering water	3.9 COP <sub>H</sub>	
VRF groundwater source (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 50°F entering water	3.6 COP <sub>H</sub>	AHRI 1230
	$\geq 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 50°F entering water	3.3 COP <sub>H</sub>	
VRF ground source (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 32°F entering water	3.1 COP <sub>H</sub>	AHRI 1230
	$\geq 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 32°F entering water	2.8 COP <sub>H</sub>	

## **Section 7 – Service Water Heating**

### **Section 7.2.1 Compliance**

Section 7.2.1 – Revise Section 7.2.1 to read as follows:

#### **7.2.1 Compliance**

Compliance shall be achieved by meeting the requirements of Section 7.1, “General”; Section 7.4, “Mandatory Provisions”; Section 7.5, “Prescriptive Path”; Section 7.7, “Submittals”; Section 6.7.2.3, “Mechanical, renewable energy, and service water heating systems commissioning and completion requirements”; and Section 7.8, “Product Information.”

## **Section 8 – Power**

### **Section 8.4.5 Measurement of electrical consumption of tenant spaces in covered buildings**

Section 8.4.5 - Add a new Section 8.4.5 to read as follows:

#### **8.4.5 Measurement of electrical consumption of tenant spaces in covered buildings**

The terms meter, sub-meter, covered building, tenant space and covered tenant space shall have the same meanings as defined in Section 28-311.2 of the Administrative Code. Each covered tenant space in a new building shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy with an area less than that as defined in Section 28-311.2 of the Administrative Code of the city of New York shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

#### **Exception to 8.4.5**

Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

### **Section 8.4.6 Dwelling unit metering**

Section 8.4.6 - Add a new Section 8.4.6 to read as follows:

#### **8.4.6 Dwelling unit metering**

Each dwelling unit located in a Group R-2 building shall have a separate electrical meter.

### **Section 9 – Lighting**

#### **Section 9.1.2 Lighting Alterations**

Section 9.1.2 - Revise the first sentence of Section 9.1.2 to read as follows:

For the alteration of any lighting system in an interior space, that space shall comply with the lighting power density (LPD) allowances of Section 9.2.2.3 and the control requirements of Section 9.4.1.1, as applicable to that space.

Section 9.1.2- Revise the heading of the Exceptions to Section 9.1.2 to read as follows:

#### **Exceptions to 9.1.2**

Section 9.1.2 - Revise the first Exception to Section 9.1.2 to read as follows:

1. Alterations that involve 10% or less of the connected lighting load in a space or area need not comply with these requirements, provided that such alterations do not increase the installed lighting power.

#### **Section 9.2.2.3 Interior Lighting Power**

Section 9.2.2.3 - Add a new sentence at the end of Section 9.2.2.3 before the Exception to read as follows:

Buildings with unfinished spaces shall use the Space-by-Space Method.

#### **Section 9.4.1.1 Interior Lighting Controls**

Section 9.4.1.1 - Revise the first paragraph of Item e of Section 9.4.1.1 to read as follows:

- e. Automatic daylight responsive controls for sidelighting: In any space where the combined input power of all general lighting completely or partially within the primary sidelighted areas is 100 W or greater, the general lighting in the primary sidelighted areas shall be controlled by photocontrols.

Section 9.4.1.1 - Revise the first sentence of the second paragraph of Item e of Section 9.4.1.1 to read as follows:

In any space where the combined input power of all general lighting completely or partially within the primary sidelighted area and secondary sidelighted area is 200 W or greater, the general lighting in the primary sidelighted area and secondary sidelighted area shall be controlled by photocontrols.

Section 9.4.1.1 - Revise the first sentence of Item f Section 9.4.1.1 to read as follows:

- f. Automatic daylight responsive controls for toplighting: In any space where the combined input power for all general lighting completely or partially within daylight area under skylights and daylight area under roof monitors is 100 W or greater, general lighting in the daylight area shall be controlled by photocontrols.

Section 9.4.1.1 – Delete Items g and h of Section 9.4.1.1 in their entirety and replace with new Items g and h of such Section to read as follows:

- g. Automatic partial OFF (full OFF complies): The general lighting power in the space shall be automatically reduced by at least 50% within 15 minutes of all occupants leaving the space. The controls in open plan offices, cafeteria dining areas, and fast food dining areas, 300 ft<sup>2</sup> and greater in area, shall be configured so that general lighting power in each control zone is reduced by not less than 80% of the full zone general lighting power in a reasonably uniform illumination pattern within 15 minutes of all occupants leaving that control zone. Control functions that switch control zone lights completely off when the zone is vacant meet this requirement.

**Exception to 9.4.1.1(g)**

This requirement does not have to be complied with in spaces that meet all four of the following requirements:

1. The space has an installed LPD of no more than 0.80 W/ft<sup>2</sup>.
2. The space is lighted by HID lamp.
3. The general lighting power in the space is automatically reduced by at least 30% within 15 minutes of all occupants leaving the space.
4. Lighting load does not exceed 0.02 W/ft<sup>2</sup> multiplied by the gross lighted area of the building.

h. Automatic full OFF: All lighting, including lighting connected to emergency circuits, shall be automatically shut off within 15 minutes of all occupants leaving the space. A control device meeting this requirement shall control no more than 5000 ft<sup>2</sup>, provided that for open plan office spaces or dining spaces a control device meeting this requirement shall control not greater than 600 ft<sup>2</sup>.

**Exception to 9.4.1.1(h)**

The following lighting is not required to be automatically shut off:

1. General lighting and task lighting in shop, laboratory, and preschool classrooms.
2. General lighting and task lighting in spaces where automatic shutoff would endanger the safety or security of room or building occupants.
3. Lighting required for 24/7 operation.
4. Lighting load does not exceed 0.02 W/ft<sup>2</sup> multiplied by the gross lighted area of the building.

**Section 9.4.1.2 Parking Garage Lighting Control**

Section 9.4.1.2 – Revise the first sentence of Item b of Section 9.4.1.2 to read as follows:

- b. Lighting power of each luminaire shall be automatically reduced by a minimum of 30% when there is no activity detected within a lighting zone for 15 minutes.

**Section 9.4.1.3 Special Applications**

Section 9.4.1.3 – Revise Sub-Item 1 of Item b of Section 9.4.1.3 to read as follows:

1. All lighting and all switched receptacles in guestrooms and suites in hotels, motels, boarding houses, or similar buildings shall be automatically controlled such that the power to the lighting and switched receptacles in each enclosed space will be turned off within 15 minutes after all occupants leave that space.

**Exception to 9.4.1.3(b)(1)**

Enclosed spaces where the lighting and switched receptacles are controlled by captive key systems and bathrooms are exempt.



**Table 9.4.2-2 Individual Lighting Power Allowances for Building Exteriors**

Table 9.4.2-2 – Delete Table 9.4.2-2 in its entirety and replace with a new Table 9.4.2.-2 as follows:

<b>Table 9.4.2-2 Individual Lighting Power Allowances for Building Exteriors</b>					
	<u>Zone 0</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 4</u>
<b>Base Site Allowance</b> (Base allowance may be used in tradable or nontradable surfaces.)					
	<u>No allowance</u>	<u>350 W</u>	<u>400 W</u>	<u>500 W</u>	<u>900 W</u>
<b>Tradable Surfaces</b>					
(LPD allowances for uncovered parking areas, building grounds, building entrances, exits and loading docks, canopies and overhangs, and outdoor sales areas may be traded.)					
<b>Uncovered Parking Areas</b>					
<u>Parking areas and drives</u>	<u>No allowance</u>	<u>0.03 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>	<u>0.05 W/ft<sup>2</sup></u>	<u>0.05 W/ft<sup>2</sup></u>
<b>Building Grounds</b>					
<u>Walkways/ramps less than 10 ft wide</u>	<u>No allowance</u>	<u>0.5 W/linear foot</u>	<u>0.5 W/linear foot</u>	<u>0.6 W/linear foot</u>	<u>0.7 W/linear foot</u>
<u>Walkways/ramps 10 ft wide or greater</u>	<u>No allowance</u>	<u>0.10 W/ft<sup>2</sup></u>	<u>0.10 W/ft<sup>2</sup></u>	<u>0.11 W/ft<sup>2</sup></u>	<u>0.14 W/ft<sup>2</sup></u>
<u>Plaza areas</u>					
<u>Special feature areas</u>					
<u>Dining areas</u>	<u>No allowance</u>	<u>0.65 W/ft<sup>2</sup></u>	<u>0.65 W/ft<sup>2</sup></u>	<u>0.75 W/ft<sup>2</sup></u>	<u>0.95 W/ft<sup>2</sup></u>
<u>Stairways</u>	<u>No allowance</u>	<u>0.6 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>
<u>Pedestrian tunnels</u>	<u>No allowance</u>	<u>0.12 W/ft<sup>2</sup></u>	<u>0.12 W/ft<sup>2</sup></u>	<u>0.14 W/ft<sup>2</sup></u>	<u>0.21 W/ft<sup>2</sup></u>
<u>Landscaping</u>	<u>No allowance</u>	<u>0.03 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>	<u>0.04 W/ft<sup>2</sup></u>
<b>Building Entrances, Exits, and Loading Docks</b>					
<u>Pedestrian and vehicular entrances and exits</u>	<u>No allowance</u>	<u>12.6 W/lin ft of opening</u>	<u>12.6 W/lin ft of opening</u>	<u>20 W/lin ft of opening</u>	<u>20 W/lin ft of opening</u>
<u>Entry canopies</u>	<u>No allowance</u>	<u>0.20 W/ft<sup>2</sup></u>	<u>0.25 W/ft<sup>2</sup></u>	<u>0.4 W/ft<sup>2</sup></u>	<u>0.4 W/ft<sup>2</sup></u>

<u>Loading docks</u>	<u>No allowance</u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>
<b><u>Sales Canopies</u></b>					
<u>Free standing and attached</u>	<u>No allowance</u>	<u>0.4 W/ft<sup>2</sup></u>	<u>0.4 W/ft<sup>2</sup></u>	<u>0.6 W/ft<sup>2</sup></u>	<u>0.7 W/ft<sup>2</sup></u>
<b><u>Outdoor Sales</u></b>					
<u>Open areas (including vehicle sales lots)</u>	<u>No allowance</u>	<u>0.2 W/ft<sup>2</sup></u>	<u>0.2 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.5 W/ft<sup>2</sup></u>
<u>Street frontage for vehicle sales lots in addition to “open area” allowance</u>	<u>No allowance</u>	<u>No allowance</u>	<u>7 W/linear foot</u>	<u>7 W/linear foot</u>	<u>21 W/linear foot</u>
<b><u>Nontradable Surfaces</u></b>					
<u>(LPD allowances for the following applications can be used only for the specific application and cannot be traded between surfaces or with other exterior lighting. The following allowances are in addition to any allowance otherwise permitted in the “Tradable Surfaces” section of this table.)</u>					
<u>Building façades</u> <u>(The allowance for each illuminated façade orientation shall be calculated by multiplying the allowable value by the entire façade area or façade length for that orientation.)</u>	<u>No allowance</u>	<u>No allowance</u>	<u>0.1 W/ft<sup>2</sup> of façade area or 2.5 W/linear foot of façade length</u>	<u>0.15 W/ft<sup>2</sup> of façade area or 3.75 W/linear foot of façade length</u>	<u>0.2 W/ft<sup>2</sup> of façade area or 5.0 W/linear foot of façade length</u>
<u>Automated teller machines and night depositories</u>	<u>No allowance</u>	<u>135 W per location plus 45 W per additional ATM per location</u>	<u>135 W per location plus 45 W per additional ATM per location</u>	<u>135 W per location plus 45 W per additional ATM per location</u>	<u>135 W per location plus 45 W per additional ATM per location</u>
<u>Uncovered entrances and gatehouse inspection stations at guarded facilities</u>	<u>No allowance</u>	<u>0.5 W/ft<sup>2</sup></u>	<u>0.5 W/ft<sup>2</sup></u>	<u>0.5 W/ft<sup>2</sup></u>	<u>0.5 W/ft<sup>2</sup></u>
<u>Uncovered loading areas for law enforcement, fire, ambulance, and other emergency service vehicles</u>	<u>No allowance</u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>	<u>0.35 W/ft<sup>2</sup></u>

<u>Drive-through windows/doors</u>	<u>No allowance</u>	<u>200 W per drive-through</u>	<u>200 W per drive-through</u>	<u>200 W per drive-through</u>	<u>200 W per drive-through</u>
<u>Parking near 24-hour retail entrances</u>	<u>No allowance</u>	<u>400 W per main entry</u>	<u>400 W per main entry</u>	<u>400 W per main entry</u>	<u>400 W per main entry</u>
<u>Roadway/parking entry, trail head, and toilet facility, or other locations approved by the authority having jurisdiction.</u>	<u>A single luminaire of 25 W or less</u>	<u>No additional allowance</u>	<u>No additional allowance</u>	<u>No additional allowance</u>	<u>No additional allowance</u>

**Section 9.4.4 Dwelling units**

Section 9.4.4 – Delete Section 9.4.4 in its entirety and replace with a new Section 9.4.4 to read as follows:

**9.4.4 Dwelling Units**

Not less than 90% of the permanently installed lighting fixtures shall use lamps with an efficacy of at least 65 lm/W or have a total luminaire efficacy of at least 45 lm/W.

**Section 9.4.5 Exit signs**

Section 9.4.5 – Add a new Section 9.4.5 to read as follows:

**9.4.5 Exit signs**

Internally illuminated exit signs shall not exceed 5 W per face.

**Table 9.5.1 Lighting Power Density Allowances Using the Building Area Method**

Table 9.5.1 – Delete Table 9.5.1 in its entirety and replace with a new Table 9.5.1 to read as follows:

<b><u>Table 9.5.1 Lighting Power Density Allowances Using the Building Area Method</u></b>	
<b><u>Building Area Type<sup>a</sup></u></b>	<b><u>LPD, W/ft<sup>2</sup></u></b>
<u>Automotive facility</u>	<u>0.64</u>
<u>Convention center</u>	<u>0.70</u>
<u>Courthouse</u>	<u>0.74</u>
<u>Dining: Bar lounge/leisure</u>	<u>0.69</u>
<u>Dining: Cafeteria/fast food</u>	<u>0.66</u>
<u>Dining: Family</u>	<u>0.61</u>
<u>Dormitory<sup>b</sup></u>	<u>0.52</u>
<u>Exercise center</u>	<u>0.65</u>
<u>Fire station</u>	<u>0.50</u>
<u>Gymnasium</u>	<u>0.67</u>
<u>Health-care clinic</u>	<u>0.68</u>
<u>Hospital</u>	<u>0.86</u>

<u>Hotel/motel<sup>b</sup></u>	<u>0.70</u>
<u>Library</u>	<u>0.78</u>
<u>Manufacturing facility</u>	<u>0.60</u>
<u>Motion picture theater</u>	<u>0.62</u>
<u>Multifamily<sup>b</sup></u>	<u>0.49</u>
<u>Museum</u>	<u>0.68</u>
<u>Office</u>	<u>0.69</u>
<u>Parking garage</u>	<u>0.12</u>
<u>Penitentiary</u>	<u>0.67</u>
<u>Performing arts theater</u>	<u>0.85</u>
<u>Police station</u>	<u>0.68</u>
<u>Post office</u>	<u>0.62</u>
<u>Religious facility</u>	<u>0.72</u>
<u>Retail</u>	<u>0.91</u>
<u>School/university</u>	<u>0.67</u>
<u>Sports arena</u>	<u>0.76</u>
<u>Town hall</u>	<u>0.72</u>
<u>Transportation</u>	<u>0.51</u>
<u>Warehouse</u>	<u>0.41</u>
<u>Workshop</u>	<u>0.83</u>

- a. In cases where both a general building area type and a specific building area type are listed, the specific building area type shall apply.
- b. Neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.

**Section 9.6.1 Space-by-Space Method of Calculating Interior Lighting Power Allowance**

Section 9.6.1 – Add a new sentence at the end of Item c of Section 9.6.1 to read as follows:

Where a building has unfinished spaces, the lighting power allowance for the unfinished spaces shall be the total connected lighting power for those spaces, or 0.2 watts per square foot, whichever is less.

**Table 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method**

Delete Table 9.6.1 in its entirety and add replace with a new Table 9.6.1 to read as follows:

**Table 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method**

<b>Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.</b>			<b>The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:</b> (1) All REQs shall be implemented. (2) At least one ADD1 (when present) shall be implemented. (3) At least one ADD2 (when present) shall be implemented.								
			<b>Local Control</b> (See Section 9.4.1.1[a])	<b>Restricted to Manual ON</b> (See Section 9.4.1.1[b])	<b>Restricted to Partial Automatic ON</b> (See Section 9.4.1.1[c])	<b>Bilevel Lighting Control</b> (See Section 9.4.1.1[d])	<b>Automatic Daylight Responsive Controls for Sidelighting</b> (See Section 9.4.1.1[e] <sup>9</sup> )	<b>Automatic Daylight Responsive Controls for Toplighting</b> (See Section 9.4.1.1[f] <sup>9</sup> )	<b>Automatic Partial OFF</b> (See Section 9.4.1.1[g] [Full Off complies])	<b>Automatic Full OFF</b> (See Section 9.4.1.1[h])	<b>Schedule d Shutoff</b> (See Section 9.4.1.1[i])
<b>Common Space Types<sup>1</sup></b>	<b>LPD Allowances, W/ft<sup>2</sup></b>	<b>RCR Thres hold</b>	<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>	<b>f</b>	<b>g</b>	<b>h</b>	<b>i</b>
<b>Atrium</b>											
< 20 ft in height	0.03/ft total height	NA	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
≥ 20 ft and ≤ 40 ft in height	0.03/ft total height	NA	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
> 40 ft in height	0.40 + 0.02/ft total height	NA	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<b>Audience Seating Area</b>											
Auditorium	0.63	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Convention center	0.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Gymnasium	0.43	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Motion picture theater	0.64	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Penitentiary	0.28	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Performing arts theater	2.03	8	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Religious facility	1.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Sports arena	0.42	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
All other audience seating areas	0.40	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Banking Activity Area	0.79	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<b>Breakroom (See Lounge/Breakroom)</b>											
<b>Classroom/Lecture hall/Training Room<sup>9,10</sup></b>											
Penitentiary	1.06	4	REQ	ADD1	ADD1	REQ	REQ	REQ		REQ	
All other classrooms/lecture halls/training rooms	0.74	4	REQ	REQ		REQ	REQ	REQ		REQ	
Conference/Meeting, Multipurpose Room <sup>9,10</sup>	0.93	6	REQ	REQ		REQ	REQ	REQ		REQ	
Confinement Cells	0.52	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2

<b>Informative Note: This table is divided into two sections: this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.</b>			<b>The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:</b> (1) All REQs shall be implemented. (2) At least one ADD1 (when present) shall be implemented. (3) At least one ADD2 (when present) shall be implemented.								
			<b>Local Control</b> (See Section 9.4.1.1[a])	<b>Restricted to Manual ON</b> (See Section 9.4.1.1[b])	<b>Restricted to Partial Automatic ON</b> (See Section 9.4.1.1[c])	<b>Bilevel Lighting Control</b> (See Section 9.4.1.1[d])	<b>Automatic Daylight Responsive Controls for Sidelighting</b> (See Section 9.4.1.1[e] <sup>6</sup> )	<b>Automatic Daylight Responsive Controls for Toplighting</b> (See Section 9.4.1.1[f] <sup>6</sup> )	<b>Automatic Partial OFF</b> (See Section 9.4.1.1[g] [Full Off complies])	<b>Automatic Full OFF</b> (See Section 9.4.1.1[h])	<b>Schedule Shutoff</b> (See Section 9.4.1.1[i])
<b>Common Space Types<sup>1</sup></b>	<b>LPD Allowances, W/ft<sup>2</sup></b>	<b>RCR Thres hold</b>	<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>	<b>f</b>	<b>g</b>	<b>h</b>	<b>i</b>
Copy/Print Room	0.50	6	REQ	ADD1	ADD1	REQ	REQ	REQ		REQ	
Corridor <sup>2</sup>											
Facility for the visually impaired (and not used primarily by the staff) <sup>3</sup>	0.81	width < 8 ft	REQ				REQ	REQ	REQ	ADD2	ADD2
Hospital	0.81	width < 8 ft	REQ				REQ	REQ	ADD2	ADD2	ADD2
Manufacturing facility	0.28	width < 8 ft	REQ				REQ	REQ		ADD2	ADD2
All other corridors	0.58	width < 8 ft	REQ				REQ	REQ	REQ	ADD2	ADD2
Courtroom	1.06	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Computer Room	1.16	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Dining Area											
Penitentiary	0.72	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Facility for the visually impaired (and not used primarily by staff) <sup>3</sup>	1.48	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Bar lounge or leisure dining	0.62	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Cafeteria or fast food dining < 300 ft <sup>2</sup>	0.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ		REQ	
Cafeteria or fast food dining > 300 ft <sup>2</sup>	0.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ		
Family dining	0.54	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
All other dining areas	0.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Electrical/Mechanical Room <sup>7</sup>	0.39	6	REQ				REQ	REQ			
Emergency Vehicle Garage	0.41	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Food Preparation Area	0.92	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Guest Room	0.75	6	See Section 9.4.1.3(b).								
Laboratory											
In or as a classroom	1.04	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
All other laboratories	1.45	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Laundry/Washing Area	0.43	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Loading Dock, Interior	0.51	6	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Lobby											
Facility for the visually impaired	2.03	4	REQ				REQ	REQ	REQ	ADD2	ADD2



<b>Informative Note: This table is divided into two sections: this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.</b>			<b>The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:</b> (1) All REQs shall be implemented. (2) At least one ADD1 (when present) shall be implemented. (3) At least one ADD2 (when present) shall be implemented.								
			<b>Local Control</b> (See Section 9.4.1.1[a])	<b>Restricted to Manual ON</b> (See Section 9.4.1.1[b])	<b>Restricted to Partial Automatic ON</b> (See Section 9.4.1.1[c])	<b>Bilevel Lighting Control</b> (See Section 9.4.1.1[d])	<b>Automatic Daylight Responsive Controls for Sidelighting</b> (See Section 9.4.1.1[e] <sup>6</sup> )	<b>Automatic Daylight Responsive Controls for Toplighting</b> (See Section 9.4.1.1[f] <sup>6</sup> )	<b>Automatic Partial OFF</b> (See Section 9.4.1.1[g] [Full Off complies])	<b>Automatic Full OFF</b> (See Section 9.4.1.1[h])	<b>Schedule Shutoff</b> (See Section 9.4.1.1[i])
<b>Common Space Types<sup>1</sup></b>	<b>LPD Allowances, W/ft<sup>2</sup></b>	<b>RCR Thres hold</b>	a	b	c	d	e	f	g	h	i
(and not used primarily by staff) <sup>3</sup>											
Elevator	0.52	6	REQ				REQ	REQ		ADD2	ADD2
Hotel	0.68	4	REQ				REQ	REQ		ADD2	ADD2
Motion picture theater	0.38	4	REQ				REQ	REQ		ADD2	ADD2
Performing arts theater	0.82	6	REQ				REQ	REQ	REQ	ADD2	ADD2
All other lobbies	0.90	4	REQ				REQ	REQ	REQ	ADD2	ADD2
Locker Room	0.45	6	REQ	ADD1	ADD1	REQ	REQ	REQ		REQ	
Lounge/Breakroom <sup>9,10</sup>											
Healthcare facility	0.53	6	REQ	REQ		REQ	REQ	REQ		REQ	
All other lounges/breakrooms	0.44	4	REQ	REQ		REQ	REQ	REQ		REQ	
Office											
Enclosed and ≤ 250 ft <sup>2(9,10)</sup>	0.85	8	REQ	REQ		REQ	REQ	REQ		REQ	
Enclosed and > 250 ft <sup>2</sup>	0.85	8	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Open plan < 300 ft <sup>2</sup>	0.78	4	REQ	ADD1	ADD1	REQ	REQ	REQ		REQ	
Open plan ≥ 300 ft <sup>2(11)</sup>	0.78	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ		
Parking Area, Interior	0.11	4	See Section 9.4.1.2								
Pharmacy Area	1.23	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Restroom											
Facility for the visually impaired (and not used primarily by the staff) <sup>3</sup>	0.81	8	REQ	ADD1	ADD1		REQ	REQ		REQ	
All other restrooms	0.75	8	REQ	ADD1	ADD1		REQ	REQ		REQ	
Sales Area <sup>4</sup>	1.06	6	REQ	ADD1	ADD1	REQ		REQ		ADD2	ADD2
Seating Area, General	0.38	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Stairway	The space containing the stairway shall determine the LPD and control requirements for the stairway.										
Stairwell	0.50	10				REQ	REQ	REQ	REQ	ADD2	ADD2
Storage Room											
< 50 ft <sup>2</sup>	0.43	6	REQ							ADD2	ADD2
≥ 50 ft <sup>2</sup> and ≤ 1000 ft <sup>2</sup>	0.43	6	REQ	ADD1	ADD1		REQ	REQ		REQ	
All other storage rooms	0.43	6	REQ	ADD1	ADD1		REQ	REQ	REQ	ADD2	ADD2
Vehicular Maintenance Area	0.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Workshop	1.09	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2

**TABLE 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method (Continued)**

**The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:**

**(1) All REQs shall be implemented.**

**(2) At least one ADD1 (when present) shall be implemented.**

**(3) At least one ADD2 (when present) shall be implemented.**

**Informative Note:** This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

<u>Local Control</u> (See Section 9.4.1.1[a])	<u>Restricted to Manual ON</u> (See Section 9.4.1.1[b])	<u>Restricted to Partial Automatic ON</u> (See Section 9.4.1.1[c])	<u>Bilevel Lighting Control</u> (See Section 9.4.1.1[d])	<u>Automatic Daylight Responsive Controls for Sidelighting</u> (See Section 9.4.1.1[e] <sup>6</sup> )	<u>Automatic Daylight Responsive Controls for Toplighting</u> (See Section 9.4.1.1[f] <sup>6</sup> )	<u>Automatic Partial OFF</u> (See Section 9.4.1.1[g] [Full Off complies])	<u>Automatic Full OFF</u> (See Section 9.4.1.1[h])	<u>Scheduled Shutoff</u> (See Section 9.4.1.1[i])
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<u>Building Type Specific/Space Types<sup>1</sup></u>	<u>LPD W/ft<sup>2</sup></u>	<u>RCR Threshold</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>	<u>h</u>	<u>i</u>
<u>Facility for the Visually Impaired<sup>3</sup></u>											
Chapel (used primarily by residents)	0.89	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Recreation room/common living room (and not used primarily by staff)	1.53	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<u>Automotive (See "Vehicular Maintenance Area")</u>											
Convention Center-Exhibit Space	0.69	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Dormitory-Living Quarters	0.46	8	REQ								
Fire Station-Sleeping Quarters	0.19	6	REQ								
<u>Gymnasium/Fitness Center</u>											
Exercise area	0.50	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Playing area	0.75	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<u>Healthcare Facility</u>											
Exam/treatment room	1.16	8	REQ			REQ	REQ	REQ		ADD2	ADD2
Imaging room	0.98	6	REQ			REQ				ADD2	ADD2
Medical supply room	0.54	6	(See "Storage Room" under "Common Space Types" for control requirements)								
Nursery	0.94	6	REQ			REQ	REQ	REQ		ADD2	ADD2
Nurse's station	0.75	6	REQ			REQ	REQ	REQ		ADD2	ADD2
Operating room	1.87	6	REQ			REQ				ADD2	ADD2
Patient room	0.45	6	REQ			REQ	REQ	REQ		ADD2	ADD2
Physical therapy room	0.84	6	REQ			REQ	REQ	REQ		ADD2	ADD2
Recovery room	0.89	6	REQ			REQ	REQ	REQ		ADD2	ADD2
<u>Library</u>											
Reading area	0.77	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Stacks	1.20	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
<u>Manufacturing Facility</u>											
Detailed manufacturing area	0.86	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Equipment room	0.61	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Extra high bay area (> 50 ft floor-to-ceiling height)	0.73	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
High bay area (25 to 50 ft floor-to-ceiling height)	0.58	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Low bay area (< 25 ft floor-to-ceiling height)	0.61	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<u>Museum</u>											
General exhibition area	0.61	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2

Restoration room	0.77	6	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Performing Arts Theater-Dressing Room	0.35	6	REQ	ADD1	ADD1	REQ	REQ	REQ		REQ	
Post Office-Sorting Area	0.66	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
<b>Religious Facility</b>											
Fellowship hall	0.54	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Worship/pulpit/choir area	0.98	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<b>Retail Facilities</b>											
Dressing/fitting room	0.49	8	REQ	ADD1	ADD1	REQ		REQ		REQ	
Mall concourse	0.79	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<b>Sports Arena-Playing Area<sup>8</sup></b>											
Class I facility	2.26	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Class II facility	1.45	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Class III facility	1.08	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
Class IV facility	0.72	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<b>Transportation Facility</b>											
Baggage/carousel area	0.40	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Airport concourse	0.31	4	REQ	ADD1	ADD1		REQ	REQ		ADD2	ADD2
Terminal ticket counter	0.48	4	REQ	ADD1	ADD1	REQ	REQ	REQ		ADD2	ADD2
<b>Warehouse-Storage Area</b>											
Medium to bulky, palletized items	0.27	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
Smaller, hand-carried items <sup>5</sup>	0.65	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2

1. In cases where both a common space type and a building area specific space type are listed, the building area specific space type shall apply.
2. In corridors, the extra lighting power density allowance is permitted when the width of the corridor is less than 8 ft and is not based on the RCR.
3. A "Facility for the Visually Impaired" is a facility that can be documented as being designed to comply with the light levels in ANSI/IES RP-28 and is licensed or will be licensed by local/state authorities for either senior long-term care, adult daycare, senior support and/or people with special visual needs.
4. For accent lighting, see Section 9.6.2(b).
5. Sometimes referred to as a "Picking Area."
6. Automatic daylight responsive controls are mandatory only if the requirements of the specified sections are present.
7. An additional 0.52 W/ft<sup>2</sup> shall be allowed, provided that the additional lighting is controlled separately from the base allowance of 0.43 W/ft<sup>2</sup>. The additional 0.52 W/ft<sup>2</sup> allowance shall not be used for any other purpose.
8. Class of play as defined by IES RP-6.
9. Occupant sensor shall not have an override switch that converts from manual-on to automatic-on functionality.
10. 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.
11. The controls shall be configured such that any daylight responsive control will activate open plan office space general lighting or control zone general lighting only when occupancy for the same area is detected.

**Section 9.7.3 System Commissioning**

Section 9.7.3 - Add a new Section 9.7.3 to read as follows:

**9.7.3 System Commissioning**

Lighting systems shall be tested to ensure that automatic control elements are calibrated, adjusted, and in proper working condition in accordance with this section.

**9.7.3.1 Functional Testing of Lighting Controls**

Prior to passing final inspection, the approved agency shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's instructions. Functional testing shall be in accordance with Sections 9.7.3.1.1 through 9.7.3.1.3 for the applicable control type.

**9.7.3.1.1 Occupant Sensor Controls**

Where occupant sensor controls are provided, the following procedures shall be performed:

- a. Certify that the occupant sensor has been located and aimed in accordance with manufacturer recommendations.
- b. For projects with seven or fewer occupant sensors, each sensor shall be tested.
- c. For projects with more than seven occupant sensors, testing shall be done for each unique combination of sensor type and space geometry. Where multiples of each unique combination of sensor type and space geometry are provided, not less than 10% and in no case fewer than one, of each combination shall be tested unless the building official or design professional requires a higher percentage to be tested. Where 30% or more of the tested controls fail, all remaining identical combinations shall be tested.

For occupant sensor controls to be tested, verify the following:

1. Where occupant sensor controls include status indicators, verify correct operation.
2. The controlled lights turn off or down to the permitted level within the required time.
3. For auto-on occupant sensor controls, the lights turn on to the permitted level when an occupant enters the space.
4. For manual-on occupant sensor controls, the lights turn on only when manually activated.
5. The lights are not incorrectly turned on by movement in adjacent areas or by HVAC operation.

**9.7.3.1.2 Time-switch Controls**

Where time-switch controls are provided, the following procedures shall be performed:

- a. Confirm that the time-switch control is programmed with accurate weekday, weekend and holiday schedules.

- b. Provide documentation to the owner of time-switch controls programming including weekday, weekend, holiday schedules, and set-up and preference program settings.
- c. Verify the correct time and date in the time switch.
- d. Verify that any battery back-up is installed and energized.
- e. Verify that the override time limit is set to not more than 2 hours.
- f. Simulate occupied condition. Verify and document the following:
  - 1. All lights can be turned on and off by their respective area control switch.
  - 2. The switch only operates lighting in the enclosed space in which the switch is located.
- g. Simulate unoccupied condition. Verify and document the following:
  - 1. Nonexempt lighting turns off.
  - 2. Manual override switch allows only the lights in the enclosed space where the override switch is located to turn on or remain on until the next scheduled shutoff occurs.
- h. Additional testing as specified by the registered design professional.

#### **9.7.3.1.3 Daylight Responsive Controls**

Where daylight responsive controls are provided, the following shall be verified:

- a. Control devices have been properly located, field calibrated and set for accurate setpoints and threshold light levels.
- b. Daylight controlled lighting loads adjust to light level setpoints in response to available daylight.
- c. The calibration adjustment equipment is located for ready access only by authorized personnel.

#### **9.7.3.2 Documentation Requirements**

The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent within 90 days of the date of receipt of the certificate of occupancy.

##### **9.7.3.2.1 Drawings**

Construction documents shall include the location and catalogue number of each piece of equipment.

##### **9.7.3.2.2 Manuals**

An operating and maintenance manual shall be provided and include the following:

- a. Name and address of not less than one service agency for installed equipment.

- b. A narrative of how each system is intended to operate, including recommended setpoints.
- c. Submittal data indicating all selected options for each piece of lighting equipment and lighting controls.
- d. Operation and maintenance manuals for each piece of lighting equipment. Required routine maintenance actions, cleaning and recommended relamping shall be clearly identified.
- e. A schedule for inspecting and recalibrating all lighting controls.

#### **9.7.3.2.3 Report**

A report of test results shall be provided and include the following:

- a. Results of functional performance tests.
- b. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.

#### **Section 10.4.3.5 Power Conversion System**

Section 10.4.3.5 - Add a new Section 10.4.3.5 to read as follows:

##### **10.4.3.5 Power Conversion System**

New traction elevators with a rise of 75 feet or more in new buildings shall have a power conversion system that complies with Sections 10.4.3.5.1 through 10.4.3.5.3.

##### **10.4.3.5.1 Motor**

Induction motors with a Class IE2 efficiency ratings, as defined by IEC EN 60034-30, or alternative technologies, such as permanent magnet synchronous motors that have equal or better efficiency, shall be used.

##### **10.4.3.5.2 Transmission**

Transmissions shall not reduce the efficiency of the combined motor/transmission below that shown for the Class IE2 motor for elevators with capacities below 4,000 lbs. Gearless machines shall be assumed to have a 100% transmission efficiency.

##### **10.4.3.5.3 Drive**

Potential energy released during motion shall be recovered with a regenerative drive that supplies electrical energy to the building electrical system.

#### **Section 10.4.4.1 Regeneration Drive**

Section 10.4.4 - Add a new Section 10.4.4.1 to read as follows:

##### **10.4.4.1 REGENERATIVE DRIVE**

An escalator designed either for one-way down operation only or for reversible operation shall have a variable frequency regenerative drive that supplies electrical energy to the building electrical system when the escalator is loaded with passengers whose combined weight exceeds 750 pounds.

**Section 10.4.6 Commercial Kitchen Equipment**

Section 10.4.6 - Add a new Section 10.4.6 to read as follows:

**10.4.6 Commercial Kitchen Equipment**

Commercial kitchen equipment shall comply with the minimum efficiency requirements of Tables 10.4.6-1 through 10.4.6-5.

Table 10.4.6-1 - Add a new Table 10.4.6-1 to read as follows:

**Table 10.4.6-1**  
**Minimum Efficiency Requirements: Commercial Fryers**

	<b><u>Heavy-Load Cooking Energy Efficiency</u></b>	<b><u>Idle Energy Rate</u></b>	<b><u>Test Procedure</u></b>
<u>Standard Open Deep-Fat Gas Fryers</u>	$\geq 50\%$	$\leq 9,000$ Btu/hr	<u>ASTM Standard F1361-17</u>
<u>Large Vat Open Deep-Fat Gas Fryers</u>	$\geq 50\%$	$\leq 12,000$ Btu/hr	
<u>Standard Open Deep-Fat Electric Fryers</u>	$\geq 83\%$	$\leq 800$ watts	<u>ASTM Standard F2144-17</u>
<u>Large Vat Open Deep-Fat Electric Fryers</u>	$\geq 80\%$	$\leq 1,100$ watts	

Table 10.4.6-2 - Add a new Table 10.4.6-2 to read as follows:

**Table 10.4.6-2**  
**Minimum Efficiency Requirements: Commercial Hot Food Holding Cabinets**

<b><u>Product Interior Volume (Cubic Feet)</u></b>	<b><u>Maximum Idle Energy Consumption Rate (Watts)</u></b>	<b><u>Test Procedure</u></b>
$0 < V < 13$	$\leq 21.5 V$	<u>ASTM Standard F2140-11</u>
$13 \leq V < 28$	$\leq 2.0 V + 254.0$	
$28 \leq V$	$\leq 3.8 V + 203.5$	



Table 10.4.6-3 - Add a new Table 10.4.6-3 to read as follows:

**Table 10.4.6-3**  
**Minimum Efficiency Requirements: Commercial Steam Cookers**

<u>Fuel Type</u>	<u>Pan Capacity</u>	<u>Cooking Energy Efficiency<sup>a</sup></u>	<u>Idle Rate</u>	<u>Test Procedure</u>
<u>Electric Steam</u>	<u>3-pan</u>	<u>50%</u>	<u>400 watts</u>	<u>ASTM Standard</u> <u>F1484-18</u>
	<u>4-pan</u>	<u>50%</u>	<u>530 watts</u>	
	<u>5-pan</u>	<u>50%</u>	<u>670 watts</u>	
	<u>6-pan and larger</u>	<u>50%</u>	<u>800 watts</u>	
<u>Gas Steam</u>	<u>3-pan</u>	<u>38%</u>	<u>6,250 Btu/h</u>	
	<u>4-pan</u>	<u>38%</u>	<u>8,350 Btu/h</u>	
	<u>5-pan</u>	<u>38%</u>	<u>10,400 Btu/h</u>	
	<u>6-pan and larger</u>	<u>38%</u>	<u>12,500 Btu/h</u>	

a. Cooking Energy Efficiency is based on heavy load (potato) cooking capacity.

Table 10.4.6-4 - Add a new Table 10.4.6-4 to read as follows:

**Table 10.4.6-4**  
**Minimum Efficiency Requirements: Commercial Dishwashers**

<u>Machine Type</u>	<u>High Temperature Efficiency Requirements</u>		<u>Low Temperature Efficiency Requirements</u>		<u>Test Procedure</u>
	<u>Idle Energy Rate<sup>a</sup></u>	<u>Water Consumption<sup>b</sup></u>	<u>Idle Energy Rate<sup>a</sup></u>	<u>Water Consumption<sup>b</sup></u>	
<u>Under Counter</u>	$\leq 0.50$ kW	$\leq 0.86$ GPR	$\leq 0.50$ kW	$\leq 1.19$ GPR	<u>ASTM F1696-18</u>
<u>Stationary Single Tank Door</u>	$\leq 0.70$ kW	$\leq 0.89$ GPR	$\leq 0.60$ kW	$\leq 1.18$ GPR	
<u>Pot, Pan, and Utensil</u>	$\leq 1.20$ kW	$\leq 0.58$ GPSF	$\leq 1.00$ kW	$\leq 0.58$ GPSF	
<u>Single Tank Conveyor</u>	$\leq 1.50$ kW	$\leq 0.70$ GPR	$\leq 1.50$ kW	$\leq 0.79$ GPR	<u>ASTM F1920-15</u>
<u>Multiple Tank Conveyor</u>	$\leq 2.25$ kW	$\leq 0.54$ GPR	$\leq 2.00$ kW	$\leq 0.54$ GPR	
<u>Single Tank Flight Type</u>	<u>Reported</u>	$\text{GPH} \leq 2.975x + 55.00$	<u>Reported</u>	$\text{GPH} \leq 2.975x + 55.00$	
<u>Multiple Tank Flight Type</u>	<u>Reported</u>	$\text{GPH} \leq 4.96x + 17.00$	<u>Reported</u>	$\text{GPH} \leq 4.96x + 17.00$	

- a. Idle results shall be measured with the door closed and represent the total idle energy consumed by the machine including all tank heater(s) and controls. Booster heater (internal or external) energy consumption should not be part of this measurement unless it cannot be separately monitored per US EPA Energy Star Commercial Dishwasher Specification Version 2.0.
- b. GPR = gallons per rack; GPSF = gallons per square foot of rack; GPH = gallons per hour; x = sf of conveyer belt (i.e., W\*L/min (maximum conveyer speed)).

Table 10.4.6-5 - Add a new Table 10.4.6-5 to read as follows:

**Table 10.4.6-5**  
**Minimum Efficiency Requirements: Commercial Ovens**

<u>Fuel Type</u>	<u>Classification</u>	<u>Idle Rate</u>	<u>Cooking-Energy Efficiency, %</u>	<u>Test Procedure</u>
<b><u>Convection Ovens</u></b>				
<u>Gas</u>	<u>Full-Size</u>	$\leq 12,000$ Btu/h	$\geq 46$	<u>ASTM F1496 - 13</u>
<u>Electric</u>	<u>Half-Size</u>	$\leq 1.0$ Btu/h	$\geq 71$	
	<u>Full-Size</u>	$\leq 1.60$ Btu/h		

<b><u>Combination Ovens</u></b>				
<u>Gas</u>	<u>Steam Mode</u>	$\leq 200P^a + 6,511 \text{ Btu/h}$	$\geq 41$	<u>ASTM F2861 - 17</u>
	<u>Convection Mode</u>	$\leq 150P^a + 5,425 \text{ Btu/h}$	$\geq 56$	
<u>Electric</u>	<u>Steam Mode</u>	$\leq 0.133P^a + 0.6400 \text{ kW}$	$\geq 55$	
	<u>Convection Mode</u>	$\leq 0.080P^a + 0.4989 \text{ kW}$	$\geq 76$	
<b><u>Rack Ovens</u></b>				
<u>Gas</u>	<u>Single</u>	$\leq 25,000 \text{ Btu/h}$	$\geq 48$	<u>ASTM F2093 - 18</u>
	<u>Double</u>	$\leq 30,000 \text{ Btu/h}$	$\geq 52$	

- a. P = Pan Capacity: The number of steam table pans the combination oven is able to accommodate as per the ASTM F1495 – 05 standard specification.

### **Section 11.2 Compliance**

Section 11.2 – Revise Items a, b, and c of Section 11.2, and add a new Item d to such Section, to read as follows:

- a. All requirements of Sections 5.4, 6.4, 7.4, 8.4, 9.4, 10.4, and Section 6.7 are met;
- b. the design energy cost, as calculated in Section 11.5, does not exceed the energy cost budget as calculated by the simulation program described in Section 11.4;
- c. the energy efficiency level of components specified in the building design meet or exceed the efficiency levels used to calculate the design energy cost; and
- d. In new buildings 25,000 square feet and greater, the building envelope shall comply with either:
  1. Section 5.5, “Prescriptive Building Envelope Option,” or
  2. An envelope performance factor shall be calculated in accordance with Appendix C of this standard, and buildings shall comply with one of the following:
    - i. For multifamily, hotel/motel and dormitory building area types, the margin by which the proposed envelope performance factor exceeds the base envelope performance factor shall not be greater than 15%. For compliance with this requirement, the base envelope performance factor shall be calculated using metal framing operable windows. In buildings with window area accounting for 40% or more of the gross wall area, the SHGC of the vertical fenestration on east and west oriented façade may be reduced by the following multiplier to account for the permanent site shading from existing buildings or infrastructure.

$$\underline{M_{\text{West}} = 0.18 + 0.33/\text{WWR}}$$

$$\underline{M_{\text{East}} = 0.35 + 0.26/\text{WWR}}$$

Where:

$$\underline{M_{\text{West}} = \text{SHGC multiplier for the West façade}}$$

$$\underline{M_{\text{East}} = \text{SHGC multiplier for the East façade}}$$

WWR = the ratio of proposed vertical fenestration area to the gross wall area in consistent units

The multiplier may be applied to the rated SHGC of the vertical fenestration which has at least 50% of the area located directly opposite of the shading surfaces and no higher from the street level than the difference between the shading surface height and the shading surface distance from the façade. Orientation must be determined following Section 5.5.4.5, Fenestration Orientation.

- ii. For all other building area types, the margin by which the proposed envelope performance factor exceeds the base envelope performance factor shall be not greater than 7%. For compliance with this requirement, the base envelope performance factor shall be calculated using metal framing fixed windows.
- iii. For mixed-use buildings, the margin shall be calculated as the gross wall area-weighted average of items (i) and (ii) above.

### **Section 11.4.1 Simulation Program**

Section 11.4.1 – Revise the paragraph before the Informative Note in Section 11.4.1 to read as follows:

The simulation program shall be a computer-based program for the analysis of energy consumption in buildings (a program such as, but not limited to, DOE-2 or BLAST). For components that cannot be modeled by the simulation program, the exceptional calculation methods requirements in Section 11.4.5 shall be used.

#### **Section 11.4.1.1**

Section 11.4.1.1 – Revise Item a of Section 11.4.1.1 to read as follows:

- a. A minimum of 8760 hours per year.

#### **Section 11.4.3.2 Annual Energy Costs**

Section 11.4.3.2 – Add a new sentence at the end of Section 11.4.3.2 to read as follows:

Where the proposed design includes electricity generated from sources other than on-site renewable energy, the baseline design shall include the same generation system, excluding its site-recovered energy.

### **Section 11.4.5 Exceptional Calculation Methods**

Section 11.4.5 – Revise the first sentence in Section 11.4.5 to read as follows:

When the simulation program does not model a design, material, or device, the authority having jurisdiction may approve an exceptional calculation method to be used to demonstrate compliance with Section 11.

### **Section 11.5.2 HVAC Systems**

Section 11.5.2 – Revise Item c in Section 11.5.2 to read as follows:

- c. **Supply Fan Energy in Certain Package Equipment**

Where efficiency ratings include supply fan energy, the efficiency rating shall be adjusted to remove the supply fan energy. For Budget System Types 3, 4, 6, 9, and 11, calculate the minimum  $COP_{nfcooling}$  and  $COP_{nfheating}$  using the equation for the applicable performance rating as indicated in

Tables 6.8.1-1 through 6.8.1-4. Where multiple HVAC zones are combined into a single thermal block in accordance with Table 11.5.1, the efficiencies for the budget System Types 6, 8, and 10 taken from Tables 6.8.1-1 through 6.8.1-4, shall be based on 9,000 Btu/hr equipment capacity for residential spaces; otherwise, it shall be based on the capacity of the thermal block divided by the number of HVAC zones. Budget System Types 3, 6, 9 and 11 efficiencies taken from Table 6.8.1-1 through 6.8.1-4 shall be based on the cooling equipment capacity of a single floor when grouping identical floors in accordance with Table 11.5.1. Where a full- and part-load efficiency rating is provided in Tables 6.8.1-1 through 6.8.1-4, the full-load equation below shall be used:

$$\text{COP}_{\text{nfcooling}} = 7.84\text{E-}8 \times \text{EER} \times Q + 0.338 \times \text{EER}$$

$$\text{COP}_{\text{nfcooling}} = -0.0076 \times \text{SEER}^2 + 0.3796 \times \text{SEER}$$

$$\text{COP}_{\text{nfheating}} = 1.48\text{E-}7 \times \text{COP}_{47} \times Q + 1.062 \times \text{COP}_{47}$$

(applies to heat pump heating efficiency only)

$$\text{COP}_{\text{nfheating}} = -0.0296 \times \text{HSPF}^2 + 0.7134 \times \text{HSPF}$$

where COP<sub>nfcooling</sub> and COP<sub>nfheating</sub> are the packaged HVAC equipment cooling and heating energy efficiency, respectively, to be used in the budget building design, which excludes supply fan power, and Q is the AHRI-rated cooling capacity in Btu/h. If Q is greater than 760,000 Btu/hr, use 760,000 Btu/h in the calculation.

EER, SEER, COP, and HSPF shall be at AHRI test conditions. Fan energy shall be modeled separately according to Section 11.5.2(h). Supply and return/relief system fans shall be modeled as operating at least whenever the spaces served are occupied, except as specifically noted in Table 11.5.2-1.

Section 11.5.2 – Add a new Exception to Item d of Section 11.5.2 to read as follows:

**Exception to (d)**

Where the minimum outdoor air intake flow in the proposed design is provided in excess of the amount allowed by Section 6.5.3.7, the baseline building design shall be modeled to reflect the minimum amount allowed by Section 6.5.3.7 and will be less than or equal to the proposed design.

**Section 11.7 Documentation Requirements**

Section 11.7 – Revise Section 11.7 to read as follows:

**11.7 Documentation Requirements**

Compliance shall be documented and submitted to the authority having jurisdiction. The information submitted shall include the following:

- a. The energy cost budget for the budget building design and the design energy cost for the proposed design.
- b. The simulation program used and the version of the simulation program.
- c. An overview of the project that includes the number of stories (above and below grade), the typical floor size, the uses in the building (e.g., office, cafeteria, retail, parking, etc.), the gross area of each use, and whether each use is conditioned space.

- d. A list of the energy-related features that are included in the design and on which compliance with the provisions of Section 11 is based. This list shall document all energy features that differ between the models used in the energy cost budget and the design energy cost calculations.
- e. A list showing compliance for the proposed design with all of the requirements of Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4 (mandatory provisions).
- f. Building elevations and floor plans.
- g. A diagram showing the thermal blocks used in the computer simulation.
- h. An explanation of any significant modeling assumptions.
- i. Backup calculations and material to support data inputs.
- j. The input and output reports from the simulation program, including a breakdown of energy usage by at least the following components: lights, internal equipment loads, service water-heating equipment, space-heating equipment, space cooling and heat-rejection equipment, fans, and other HVAC equipment (such as pumps). The output reports shall also show the amount of time any loads are not met by the HVAC system for both the proposed design and budget building design.
- k. Purchased energy rates used in the simulations.
- l. An explanation of any error messages noted in the simulation program output.
- m. For any exceptional calculation methods employed, document the predicted energy savings by energy type, the energy cost savings, a narrative explaining the exceptional calculation method performed and documentation as required in Section 11.4.5.
- n. The reduction in design energy cost associated with on-site renewable energy.

**Table 11.5.1 Row 4 Column A**

Table 11.5.1 Row 4 Column A - Revise the paragraph in Row 4 Column A of Table 11.5.1 to read as follows:

The schedule types listed in Section 11.4.1.1(b) shall be required input. Temperature control set points and schedules shall be in accordance with the rules of the department for the applicable space types, unless as determined by the designer and approved by the authority having jurisdiction. Required schedules shall be identical for the proposed design and budget building design.

**Temperature and Humidity Schedules.** Temperature and humidity control set points and schedules as well as temperature control throttling range shall be the same for the proposed design and baseline design.

**HVAC Fan Schedules.** Schedules for HVAC fans that provide outdoor air for ventilation shall run continuously whenever spaces are occupied and shall be cycled ON and OFF to meet heating and cooling loads during unoccupied hours.

**Exceptions:**

- 1. Where no heating and/or cooling system is to be installed, and a heating or cooling system is being simulated only to meet the requirements described in this table, heating and/or cooling

system fans shall not be simulated as running continuously during occupied hours but shall be cycled ON and OFF to meet heating and cooling loads during all hours.

2. HVAC fans shall remain on during occupied and unoccupied hours in spaces that have health- and safety-mandated minimum ventilation requirements during unoccupied hours.

#### **Table 11.5.1 Row 5 Column A**

Table 11.5.1 Row 5 Column A – Revise the first paragraph before the Exceptions in Row 5 Column A of Table 11.5.1 to read as follows:

All components of the building envelope in the proposed design shall be modeled as shown on architectural drawings or as installed for existing building envelopes. Opaque portions of the curtain wall shall use the default U-factors in Table 5.5.3, unless an alternative method is approved by the department.

Table 11.5.1 Row 5 Column A - Revise Exception 1 in Row 5 Column A of Table 11.5.1 to read as follows:

1. Any building envelope assembly that covers less than 5% of the total area of that assembly type (e.g., exterior walls) need not be separately described, provided that its U-factor is similar to an assembly being modeled. If not separately described, the area of a building envelope assembly must be added to the area of the adjacent assembly of that same type. The U-factors of these assemblies shall be averaged with larger adjacent surfaces using an area-weighted average method. When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5. Where mechanical equipment has been tested in accordance with testing standards approved by the authority having jurisdiction, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.

#### **Table 11.5.1 Row 6 Column A**

Table 11.5.1 Row 6 Column A - Revise Item d in Row 6 Column A of Table 11.5.1 to read as follows:

- d. Lighting system power shall include all lighting system components shown or provided for on plans (including lamps, ballasts, task fixtures, and furniture-mounted fixtures). For dwelling units, hotel/motel guest rooms, and dormitory-living quarters in which lighting systems include plug-in light fixtures that are not shown or provided for on design documents, assume identical lighting power for the proposed design and baseline building design in the simulations.

Table 11.5.1 Row 6 Column A - Revise Item f in Row 6 Column A of Table 11.5.1 to read as follows:

- f. Automatic lighting controls included in the proposed design but not required by Section 9.4.1 may be modeled using the following methods for each luminaire control:
  1. Daylighting controls shall be modeled directly in the building simulation or be modeled in the building simulation through schedule adjustments determined by a separate analysis approved by the authority having jurisdiction. Modeling and schedule adjustments shall separately account for primary sidelighted areas, secondary sidelighted areas, and toplighted areas.
  2. For automatic controls other than daylighting, the proposed design lighting power may be reduced for each luminaire under control by dividing the rated lighting power of the luminaire

by the factor  $(1 + \Sigma CF)$ , where  $\Sigma CF$  indicates the sum of all applicable control factors (CF) per Section 9.6.3 and Table 9.6.3.

**Table 11.5.1 Row 11 Column B**

Table 11.5.1 Row 11 Column B – Revise the paragraph before the Exceptions in Row 11 Column B of Table 11.5.1 to read as follows:

The service water-heating system type in the budget building design shall be identical to the proposed design. The service water-heating system performance of the budget building design shall meet the requirements of Sections 7.4 and 7.5.

Table 11.5.1 Row 11 Column B – Add a new paragraph following the Exceptions in Row 11 Column B of Table 11.5.1 to read as follows:

Service water loads and use shall be the same for both the proposed design and baseline building design and typical of the proposed building type.

**Section 12 Normative References**

12 Normative References – Delete Section 12 in its entirety and replace with a new Section 12 to read as follows:

**12 Normative References**

<u>Reference</u>	<u>Title</u>
<u>Air Conditioning, Heating and Refrigeration Institute (AHRI) 2111 Wilson Blvd., Suite 500, Arlington, VA 22201</u>	
<u>AHRI 210/240-2008 with Addendum 1 and 2</u>	<u>Unitary Air Conditioning and Air-Source Heat Pump Equipment</u>
<u>AHRI 310/380-2004</u>	<u>Packaged Terminal Air-Conditioners and Heat Pumps</u>
<u>AHRI 340/360-2015 (I-P)</u>	<u>Performance Rating of Commercial and Industrial Unitary Air-Conditioning and Heat Pump Equipment</u>
<u>AHRI 365-2009</u>	<u>Commercial and Industrial Unitary Air-Conditioning Condensing Units</u>
<u>AHRI 390-2003</u>	<u>Performance Rating of Single Packaged Vertical Air-Conditioners and Heat Pumps</u>
<u>ANSI/AHRI 400-2015</u>	<u>Performance Rating of Liquid-to-Liquid Heat Exchangers</u>
<u>AHRI 460-2005</u>	<u>Remote Mechanical Draft Air Cooled Refrigerant Condensers</u>



<u>Reference</u>	<u>Title</u>
<u>AHRI 550/590-2015 (I-P) and AHRI 551/591-2015 (SI)</u>	<u>Performance Rating of Water-Chilling and Heat-Pump Water-Heating Packages Using the Vapor Compression Cycle</u>
<u>AHRI 560-2000</u>	<u>Absorption Water Chilling and Water Heating Packages</u>
<u>AHRI Standard 910-2014 (I-P)</u>	<u>Performance Rating of Indoor Pool Dehumidifiers</u>
<u>AHRI Standard 910-2014 (SI)</u>	<u>Performance Rating of Indoor Pool Dehumidifiers</u>
<u>AHRI Standard 920-2015 (I-P)</u>	<u>Performance Rating of DX-Dedicated Outdoor Air System Units</u>
<u>AHRI Standard 921-2015 (SI)</u>	<u>Performance Rating of DX-Dedicated Outdoor Air System Units</u>
<u>AHRI 1160-2009</u>	<u>Performance Rating of Heat Pump Pool Heaters</u>
<u>AHRI 1200-2013</u>	<u>Performance Rating of Commercial Refrigerated Display Merchandisers and Storage Cabinets</u>
<u>AHRI 1230-2010 with Addendum 1</u>	<u>Performance Rating of Variable Refrigerant Flow (VRF) Multi-split Air-Conditioning and Heat Pump Equipment</u>
<u>ANSI/AHRI Standard 1360-2016 (I-P)</u>	<u>Performance Rating of Computer and Data Processing Room Air Conditioners</u>
<u>ANSI/AHRI Standard 1361-2016 (SI)</u>	<u>Performance Rating of Computer and Data Processing Room Air Conditioners</u>
<u>BTS 2000</u>	<u>Testing Standard Method to Determine Efficiency of Commercial Space Heating Boilers</u>
<u>Air Movement and Control Association International (AMCA)</u> <u>30 West University Drive, Arlington Heights, IL 60004-1806</u>	
<u>AMCA 205-12</u>	<u>Energy Efficiency Classification for Fans</u>
<u>AMCA Standard 500-D-12</u>	<u>Laboratory Methods of Testing Dampers for Rating</u>
<u>American Architectural Manufacturers Association (AAMA)</u> <u>1827 Walden Office Square, Suite 550, Schaumburg, IL 60173-4268</u> <u>Canadian Standards Association (CSA)</u> <u>5060 Spectrum Way, Mississauga, Ontario, Canada L4W 5N6</u> <u>Window and Door Manufacturers Association (WDMA)</u> <u>2025 M Street, NW, Washington, DC 20036</u>	
<u>AAMA/WDMA/CSA 101/I.S.2/A440-11</u>	<u>NAFS-North American Fenestration Standard/Specification for Windows, Doors, and Skylights</u>
<u>American National Standards Institute (ANSI),</u>	

<u>Reference</u>	<u>Title</u>
<u>11 West 42nd Street, New York, NY 10036</u>	
<u>ANSI Z21.10.3-2011</u>	<u>Gas Water Heater, Volume 3, Storage, with Input Ratings above 75,000 Btu/h, Circulating and Instantaneous Water Heaters</u>
<u>ANSI Z21.47-2012/CSA 2.3-2012</u>	<u>Gas-Fired Central Furnaces</u>
<u>ANSI Z83.8-2013/CSA 2.6-2013</u>	<u>Gas Unit Heaters and Duct Furnaces</u>
<u>American Society of Mechanical Engineers (ASME)</u> <u>Three Park Avenue, New York, NY 10016-5990</u>	
<u>ASME A17.1-2013/CSA B44-13</u>	<u>Safety Code for Elevators and Escalators</u>
<u>ASHRAE</u> <u>1791 Tullie Circle, NE, Atlanta, GA 30329</u>	
<u>ANSI/ASHRAE Standard 55-2013</u>	<u>Thermal Environmental Conditions for Human Occupancy</u>
<u>ANSI/ASHRAE Standard 62.1-2013</u>	<u>Ventilation for Acceptable Indoor Air Quality</u>
<u>ANSI/ASHRAE/IESNA Standard 90.1-2007</u>	<u>Energy Standard for Buildings Except Low-Rise Residential Buildings</u>
<u>ANSI/ASHRAE/IESNA Standard 90.1-2010</u>	<u>Energy Standard for Buildings Except Low-Rise Residential Buildings</u>
<u>ANSI/ASHRAE/IESNA Standard 90.1-2013</u>	<u>Energy Standard for Buildings Except Low-Rise Residential Buildings</u>
<u>ANSI/ASHRAE Standard 111-2008</u>	<u>Testing, Adjusting, and Balancing of Building HVAC Systems</u>
<u>ANSI/ASHRAE Standard 127-2012</u>	<u>Method of Testing for Rating Computer and Data Processing Room Unitary Air Conditioners</u>
<u>ANSI/ASHRAE Standard 140-2014</u>	<u>Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs</u>
<u>ANSI/ASHRAE Standard 154-2011</u>	<u>Ventilation for Commercial Cooking Operations</u>
<u>ANSI/ASHRAE Standard 169-2013</u>	<u>Climatic Data for Building Design Standards</u>
<u>ANSI/ASHRAE/ASHE Standard 170-2013</u>	<u>Ventilation of Health Care Facilities</u>
<u>ANSI/ASHRAE/ACCA Standard 183-2007 (RA 2014)</u>	<u>Peak Cooling and Heating Load Calculations in Buildings Except Low-Rise Residential Buildings</u>
<u>Association of Home Appliance Manufacturers (AHAM)</u> <u>1111 19th Street NW, Suite 402, Washington, DC 20036</u>	

<u>Reference</u>	<u>Title</u>
<u>ANSI/AHAM HRF-1-2008</u>	<u>Energy and Internal Volume of Refrigerating Appliances (including errata issued November 17, 2009)</u>
<u>ASTM International</u> <u>100 Barr Harbor Dr., West Conshohocken, PA 19428-2959</u>	
<u>ASTM C90-14</u>	<u>Standard Specification for Loadbearing Concrete Masonry Units</u>
<u>ASTM C177-13</u>	<u>Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmittance Properties by Means of the Guarded-Hot-Plate Apparatus</u>
<u>ASTM C272/C272M-12</u>	<u>Test Method for Water Absorption of Core Materials for Structural Sandwich Constructions</u>
<u>ASTM C518-10</u>	<u>Standard Test Method for Steady-State Thermal Transmittance Properties by Means of the Heat Flow Meter Apparatus</u>
<u>ASTM C835-06 (2013) e1</u>	<u>Standard Test Method for Total Hemispherical Emittance of Surfaces up to 1400°C</u>
<u>ASTM C1224-11</u>	<u>Standard Specification for Reflective Insulation for Building Applications</u>
<u>ASTM C1363-11</u>	<u>Standard Test Method for the Thermal Performance of Building Assemblies by Means of a Hot Box Apparatus</u>
<u>ASTM D1003-13</u>	<u>Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics</u>
<u>ASTM E283-04 (2012)</u>	<u>Standard Test Method for Determining Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors Under Specified Pressure Differences Across the Specimen</u>
<u>ASTM E779-10</u>	<u>Standard Test Method for Determining Air Leakage Rate by Fan Pressurization</u>
<u>ASTM E972-96 (2013)</u>	<u>Standard Test Method for Solar Photometric Transmittance of Sheet Materials Using Sunlight</u>
<u>ASTM E1677-2011</u>	<u>Standard Specification for an Air Retarder (AR) Material or System for Low-Rise Framed Building Walls</u>
<u>ASTM E1680-11</u>	<u>Standard Test Method for Rate of Air Leakage Through Exterior Metal Roof Panel Systems</u>
<u>ASTM E1827-2011</u>	<u>Standard Test Methods for Determining Airtightness of Buildings Using an Orifice Blower Door</u>

<u>Reference</u>	<u>Title</u>
<u>ASTM E1980-11</u>	<u>Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low Sloped Opaque Surfaces</u>
<u>ASTM E2178-13</u>	<u>Standard Test Method for Air Permeance of Building Materials</u>
<u>ASTM E2357-11</u>	<u>Standard Test Method for Determining Air Leakage of Air Barrier Assemblies</u>
<u>ASTM F1361-17</u>	<u>Standard Test Method for Performance of Open Deep Fat Fryers</u>
<u>ASTM F1484-18</u>	<u>Standard Test Methods for Performance of Steam Cookers</u>
<u>ASTM F1495-5</u>	<u>Standard Specification for Combination Oven Electric or Gas Fired</u>
<u>ASTM F1496-13</u>	<u>Standard Test Method for Performance of Convection Ovens</u>
<u>ASTM F1696-18</u>	<u>Standard Test Method for Energy Performance of Stationary-Rack, Door-Type Commercial Dishwashing Machines</u>
<u>ASTM F1920-15</u>	<u>Standard Test Method for Performance of Rack Conveyor Commercial Dishwashing Machines</u>
<u>ASTM F2093-18</u>	<u>Standard Test Method for Performance of Rack Ovens</u>
<u>ASTM F2140-11</u>	<u>Standard Test Method for Performance of Hot Food Holding Cabinets</u>
<u>ASTM F2144-17</u>	<u>Standard Test Method for Performance of Large Open Vat Fryers</u>
<u>ASTM F2861-17</u>	<u>Standard Test Method for Enhanced Performance of Combination Oven in Various Modes</u>
<u>BC Hydro Power Smart</u> <u>333 Dunsmuir Street</u> <u>Vancouver, BC V6B 5R</u>	
<u>BC Hydro Building Envelope Thermal Bridging Guide</u> <u>Version 1.2 – September 2018</u>	<u>BC Hydro Building Envelope Thermal Bridging Guide</u> <u>V. 1.2 – September 2018</u>
<u>Cool Roof Rating Council (CRRC)</u> <u>1610 Harrison Street, Oakland, CA 94612</u>	
<u>ANSI/CRRC-1 Standard-2012</u>	<u>Cool Roof Rating Council—ANSI/CRRC-1 Standard</u>
<u>Cooling Technology Institute (CTI)</u> <u>3845 Cypress Creek Parkway, Suite 420, Houston, TX 77068; P.O. Box 681807</u>	

<u>Reference</u>	<u>Title</u>
<u>CTI ATC-105 (00)</u>	<u>Acceptance Test Code for Water Cooling Towers</u>
<u>CTI ATC-105S (11)</u>	<u>Acceptance Test Code for Closed-Circuit Cooling Towers</u>
<u>CTI ATC-106 (11)</u>	<u>Acceptance Test Code for Mechanical Draft Evaporative Vapor Condensers</u>
<u>CTI STD-201 RS (15)</u>	<u>Performance Rating of Evaporative Heat Rejection Equipment</u>
<u>Door and Access Systems Manufacturers Association (DASMA)</u> <u>1300 Sumner Avenue, Cleveland, OH 44115-2851</u>	
<u>ANSI/DASMA 105-2012</u>	<u>Test Method for Thermal Transmittance and Air Infiltration of Garage Doors</u>
<u>U.S. Environmental Protection Agency (EPA)</u> <u>1200 Pennsylvania Avenue, N.W.</u> <u>Washington, DC 20460</u>	
<u>US EPA Energy Star Commercial Dishwasher Specification Version 2- 2012</u>	<u>US EPA Energy Star Commercial Dishwasher Specification Version 2</u>
<u>International Electrotechnical Commission (IEC)</u> <u>IEC Regional Centre for North America</u> <u>446 Main Street 16th Floor</u> <u>Worcester, MA 01608 U.S.A.</u>	
<u>IEC EN 60034-30-1-2014</u>	<u>Efficiency classes of line operated AC motors</u>
<u>Illuminating Engineering Society (IES)</u> <u>120 Wall street, Floor 17, New York, NY 10005-4001</u>	
<u>ANSI/IES RP-28-2007</u>	<u>Lighting and the Visual Environment for Senior Living</u>
<u>International Organization for Standardization (ISO) ISO Central Secretariat BIBC II</u> <u>Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland</u>	
<u>ISO 9050 (2003)</u>	<u>Glass in Building—Determination of Light Transmittance, Solar Direct Transmittance, Total Solar Energy Transmittance, Ultraviolet Transmittance and Related Glazing Factors</u>
<u>ANSI/AHRI/ASHRAE/ISO 13256-1:1998 (R2012)</u>	<u>Water-Source Heat Pumps—Testing and Rating for Performance—Part 1: Water-to-Air and Brine-to-Air Heat Pumps</u>
<u>ANSI/AHRI/ASHRAE/ISO 13256-2:1998 (R2012)</u>	<u>Water-Source Heat Pumps—Testing and Rating for Performance—Part 2: Water-to-Water and Brine-to-Water Heat Pumps</u>

<u>Reference</u>	<u>Title</u>
<u>ISO 25745-2:2015</u>	<u>Energy Performance of Lifts, Escalators and Moving Walks—Part 2: Energy Calculation and Classification for Lifts (Elevators)</u>
<u>New York City Department of Buildings (NYC DOB)</u> <u>280 Broadway</u> <u>New York, NY 10007</u>	
<u>NYCAC (2014)</u>	<u>Administrative Code of the city of New York</u>
<u>NYCBC (2014)</u>	<u>New York City Building Code</u>
<u>NYCECC</u>	<u>New York City Energy Conservation Code</u>
<u>NYCMC (2014)</u>	<u>New York City Mechanical Code</u>
<u>National Electrical Manufacturers Association (NEMA)</u> <u>1300 N. 17th Street, Suite 1847, Rosslyn, VA 22209</u>	
<u>ANSI/NEMA MG 1-2009</u>	<u>Motors and Generators</u>
<u>National Fenestration Rating Council (NFRC)</u> <u>6305 Ivy Lane, Suite 140, Greenbelt, MD 20770-6323</u>	
<u>ANSI/NFRC 100-2014</u>	<u>Procedure for Determining Fenestration Product U-Factors</u>
<u>ANSI/NFRC 200-2014</u>	<u>Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence</u>
<u>NFRC 300-2014</u>	<u>Test Method for Determining the Solar Optical Properties of Glazing Materials and Systems</u>
<u>NFRC 301-2014</u>	<u>Test Method for Emittance of Specular Surfaces Using Spectrometric Measurements</u>
<u>ANSI/NFRC 400-2014</u>	<u>Procedure for Determining Fenestration Product Air Leakage</u>
<u>National Fire Protection Association (NFPA)</u> <u>1 Battery March Park, P.O. Box 9101, Quincy, MA 02269-9101</u>	
<u>NFPA 70-2014</u>	<u>National Electric Code</u>
<u>NFPA 96-2014</u>	<u>Ventilation Control and Fire Protection of Commercial Cooking Operations</u>
<u>Telecommunications Industry Association (TIA)</u> <u>2500 Wilson Boulevard, Arlington, VA 22201</u>	
<u>ANSI/TIA-942-REV A, March 2014</u>	<u>Telecommunication Infrastructure Standard for Data Centers</u>

<u>Reference</u>	<u>Title</u>
<u>Underwriters Laboratories, Inc. (UL)</u> <u>333 Pfingsten Rd., Northbrook, IL 60062</u>	
<u>UL 181A-2013</u>	<u>Closure Systems for Use with Rigid Air Ducts and Air Connectors</u>
<u>UL 181B-2013</u>	<u>Closure Systems for Use with Flexible Air Ducts and Air Connectors</u>
<u>UL 727-06</u>	<u>UL Standard for Safety—Oil Fired Central Furnaces</u>
<u>UL 731-2012</u>	<u>UL Standard for Safety—Oil-Fired Unit Heaters</u>
<u>U.S. Department of Energy (DOE)</u> <u>1000 Independence Avenue, SW, Washington, DC 20585</u>	
<u>10 CFR Part 430, App N</u>	<u>Uniform Test Method for Measuring the Energy Consumption of Furnaces</u>
<u>10 CFR Part 430, Subpart B, Appendix F- 2015</u>	<u>Uniform Test Method for Measuring the Energy Consumption of Room Air Conditioners</u>
<u>10 CFR 431 Subpart K, App A</u>	<u>Uniform Test Method for Measuring the Energy Consumption of Distribution Transformers</u>
<u>10 CFR Part 431, Subpart B, App B</u>	<u>Uniform Test Method for Measuring Nominal Full-Load Efficiency of Electric Motors</u>
<u>42 USC 6831, et seq., Public Law 102-486</u>	<u>Energy Policy Act of 1992, EPACK 2005, and EISA 2007</u>
<u>U.S. Security and Exchange Commission (SEC)</u> <u>100 F Street, NE, Washington, DC 2-549</u>	
<u>The Interagency Paper on Sound Practices to Strengthen the Resilience of the US Financial System</u>	<u>The Interagency Paper on Sound Practices to Strengthen the Resilience of the US Financial System, April 7, 2003</u>

## **Normative Appendix G**

### **Section G1.2.1 Mandatory Provisions**

Section G1.2.1 – Revise Item a of Section G1.2.1 to read as follows:

- a. All requirements of Sections 5.4, 6.4, 7.4, 8.4, 9.4, 10.4, and Section 6.7 shall be met. These sections contain the mandatory provisions of the standard and are prerequisites for this rating method.

Section G1.2.1 – Add a new Item c to Section G1.2.1 to read as follows:

- c. In new buildings 25,000 square feet and greater, the building envelope shall comply with either:
1. Section 5.5, “Prescriptive Building Envelope Option,” or

2. An envelope performance factor shall be calculated in accordance with Appendix C of this standard, and buildings shall comply with one of the following:

- i. For multifamily, hotel/motel and dormitory building area types, the margin by which the proposed envelope performance factor exceeds the base envelope performance factor shall not be greater than 15%. For compliance with this requirement, the base envelope performance factor shall be calculated using metal framing operable windows. In buildings with window area accounting for 40% or more of the gross wall area, the SHGC of the vertical fenestration on east and west oriented façade may be reduced by the following multiplier to account for the permanent site shading from existing buildings or infrastructure.

$$M_{\text{West}} = 0.18 + 0.33/\text{WWR}$$

$$M_{\text{East}} = 0.35 + 0.26/\text{WWR}$$

Where:

$M_{\text{West}}$  = SHGC multiplier for the West façade

$M_{\text{East}}$  = SHGC multiplier for the East façade

WWR = the ratio of proposed vertical fenestration area to the gross wall area in consistent units

The multiplier may be applied to the rated SHGC of the vertical fenestration which has at least 50% of the area located directly opposite of the shading surfaces and no higher from the street level than the difference between the shading surface height and the shading surface distance from the façade. Orientation must be determined following Section 5.5.4.5, Fenestration Orientation.

- ii. For all other building area types, the margin by which the proposed envelope performance factor exceeds the base envelope performance factor shall be not greater than 7%. For compliance with this requirement, the base envelope performance factor shall be calculated using metal framing fixed windows.
- iii. For mixed-use buildings, the margin shall be calculated as the gross wall area-weighted average of i) and ii) above.

### **Section G1.2.2 Performance Rating Calculation**

Section G1.2.2 – Delete Section G1.2.2 in its entirety and replace with a new Section G1.2.2 to read as follows:

#### **G1.2.2 Performance Rating Calculation**

The performance of the proposed design is calculated by either the provisions of G1.2.2.1 Performance Cost Index or G1.2.2.2 Performance Source Energy Index.

#### **Section G1.2.2.1 Performance Cost Index**

Section G1.2.2.1 – Add a new Section G1.2.2.1 to read as follows:



**G1.2.2.1 Performance Cost Index**

The performance of the proposed design is calculated in accordance with provisions of this Appendix using the following formula:

Performance Cost Index = Proposed building performance/Baseline building performance

Both the proposed building performance and the baseline building performance shall include all end-use load components within and associated with the building when calculating the Performance Cost Index.

**Section G1.2.2.2 Performance Source Energy Index**

Section G1.2.2.2 – Add a new Section G1.2.2.2 to read as follows:

**G1.2.2.2 Performance Source Energy Index**

The performance of the proposed design is calculated in accordance with provisions of this Appendix using the following formula:

Performance Source Energy Index = Proposed building source energy/Baseline building source energy

Both the proposed building source energy and the baseline building source energy shall include all end-use load components within and associated with the building when calculating the Performance Source Energy Index.

**Section G1.3 Documentation Requirements**

Section G1.3 – Revise Item a of Section G1.3 to read as follows:

- a. A brief description of the project, the key energy efficiency improvements compared with the requirements in Sections 5 through 10, the simulation program used, the version of the simulation program, and the results of the energy analysis. This summary shall contain the calculated values for the baseline building unregulated energy cost (BBUEC), baseline building regulated energy cost (BBREC), baseline building unregulated source energy (BBUSE), baseline building regulated source energy (BBRSE), building performance factor (BPF), baseline building performance, the proposed building performance, baseline building source energy, the proposed building source energy, Performance Cost Index (PCI), Performance Source Energy Index (PSEI), Performance Cost Index Target (PCIt), and Performance Source Energy Target (PSEt).

Section G1.3 – Revise Item f of Section G1.3 to read as follows:

- f. A table with a summary by end use of the proposed building performance, proposed building source energy, baseline building performance, baseline building source energy with each end use separated into regulated and unregulated components.

Section G1.3 – Revise Item h of Section G1.3 to read as follows:

- h. Building elevations and floor plans.

**Section G2.4.1 On-Site Renewable Energy and Site-Recovered Energy**

Section G2.4.1 – Revise Section G2.4.1 to read as follows:

### **G2.4.1 On-Site Renewable Energy and Site-Recovered Energy**

Site-recovered energy shall not be considered purchased energy and shall be subtracted from the proposed design energy consumption prior to calculating the proposed building performance or proposed building source energy. On-site renewable energy generated by systems included on the building permit that is used by the building shall be subtracted from the proposed design energy consumption prior to calculating the proposed building performance or proposed building source energy. The reduction in proposed building performance or proposed building source energy associated with on-site renewable energy systems shall not exceed 5% of the calculated baseline building performance or baseline building source energy, respectively.

### **G2.4.2 Annual Energy Costs**

Section G2.4.2 – Delete Section G2.4.2 in its entirety and replace with a new G2.4.2 to read as follows:

#### **G2.4.2 Annual Energy Costs**

The design energy cost and baseline energy cost shall be determined using rates for purchased energy (such as electricity, gas, oil, propane, steam, and chilled water) that are approved by the authority having jurisdiction. Where on-site renewable energy or site-recovered energy is used, the baseline building design shall be based on the energy source used as the backup energy source, or the baseline system energy source in that category if no backup energy source has been specified, except where the baseline energy source is prescribed in Tables G3.1.1-2 and G3.1.1-3. Where the proposed design includes electricity generated from sources other than on-site renewable energy, the baseline design shall include the same generation system, excluding its site-recovered energy.

### **G2.5 Exceptional Calculation Methods**

Section G2.5 – Revise Item e of Section G2.5 to read as follows:

- e. The Performance Cost Index or Performance Source Energy Index calculated with and without the exceptional calculation method.

### **Table G3.1 Row 1 Column A**

Table G3.1 Row 1 Column A - Revise Item c in Row 1 Column A of Table G3.1 to read as follows:

- c. When the performance rating method is applied to buildings in which energy-related features have not yet been designed (e.g., a lighting system), those yet-to-be-designed features shall be modeled in the proposed design to comply with but not exceed the requirements of this Standard as described in Table G3.1 parts 6, 10, 11 and 12. Where the space classification for a space is not known, the space shall be categorized as an office space.

### **Table G3.1 Row 1 Column B**

Table G3.1 Row 1 Column B - Add a new paragraph after the second paragraph in Row 1 Column B of Table G3.1 to read as follows:

Where the baseline building systems and equipment are permitted to be different from the proposed design but are not prescribed in this Appendix, the baseline must be determined based on the following, in the order of priority:

- a. Requirements in Sections 5 through 10.

- b. Requirements of other efficiency or equipment codes or standards applicable to the designs of the building systems and equipment.

**Table G3.1 Row 4 Column A**

Table G3.1 Row 4 Column A - Revise the first paragraph in Row 4 Column A of Table G3.1 to read as follows:

Schedules capable of modeling hourly variations in occupancy, lighting power, miscellaneous equipment power, thermostat set points, and HVAC system operation shall be used. Schedules shall be in accordance with the rules of the department for the applicable space types, unless as determined by the designer and approved by the authority having jurisdiction.

**Table G3.1 Row 4 Column B**

Table G3.1 Row 4 Column B - Add a new Exception 3 in Row 4 Column B of Table G3.1 to read as follows:

3. Fan schedules may be allowed to differ when G3.1.1(c) applies.

**Table G3.1 Row 5 Column A**

Table G3.1 Row 5 Column A - Revise the paragraph before the Exceptions in Row 5 Column A of Table G3.1 to read as follows:

- a. All components of the building envelope in the proposed design shall be modeled as shown on architectural drawings or as built for existing building envelopes. Opaque portions of the curtain wall shall use the default U-factors in Table 5.5.3, unless an alternative method is approved by the department.

Table G3.1 Row 5 Column A - Revise Exception 1 in Row 5 Column A of Table G3.1 to read as follows:

1. All uninsulated assemblies (e.g., projecting balconies, perimeter edges of intermediate floor slabs, concrete floor beams over parking garages, roof parapet) shall be separately modeled using either of the following techniques:
- a. Separate model of each of these assemblies within the energy simulation model.
  - b. Separate calculation of the U-factor for each of these assemblies. The U-factors of these assemblies are then averaged with larger adjacent surfaces using an area-weighted average method. This average U-factor is modeled within the energy simulation model.

Any other building envelope assembly that covers less than 5% of the total area of that assembly type (e.g., exterior walls) need not be separately described, provided that its U-factor is similar to an assembly being modeled. If not separately described, the area of a building envelope assembly shall be added to the area of an assembly of that same type with the same orientation and thermal properties.

When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5. Where mechanical equipment has been tested in accordance with testing standards approved by the authority having jurisdiction, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.

**Table G3.1 Row 6 Column A**

Table G3.1 Row 6 Column A - Revise Row 6 Column A of Table G3.1 to read as follows:

Lighting power in the proposed design shall be determined as follows:

- a. Where a complete lighting system exists, the actual lighting power for each thermal block shall be used in the model.
- b. Where a lighting system has been designed and submitted with design documents, lighting power shall be determined in accordance with Sections 9.1.3 and 9.1.4.
- c. Where lighting neither exists nor is submitted with design documents, lighting shall comply with but not exceed the requirements of Section 9. Where space types are known, lighting power shall be determined in accordance with the Space-by-Space Method. Where space types are not known, lighting power shall be determined in accordance with the Building Area Method.
- d. Lighting system power shall include all lighting system components shown or provided for on the plans (including lamps and ballasts and task and furniture-mounted fixtures).
- e. For dwelling units, hotel/motel guest rooms, and other spaces in which lighting systems are connected via receptacles and are not shown or provided for on building plans, lighting power used in the simulation shall be equal to the lighting power allowance in Table 9.6.1 for the appropriate space type or as designed, whichever is greater. For the dwelling units, lighting power used in the simulation shall be equal to 0.60 W/ft<sup>2</sup>. (or as designed, whichever is greater).  
**Exception:** Lighting use can be reduced for the portion of the space illuminated by the specified fixtures provided that they maintain the same illuminance level as in the baseline. Such reduction shall be demonstrated by calculations.
- f. Exterior lighting power and lighting power for parking garages shall be modeled.
- g. For lighting controls, at a minimum, the proposed design shall contain the mandatory automatic lighting controls specified in Section 9.4.1 (e.g., automatic daylight responsive controls, occupancy sensors, programmable controls, etc.). These controls shall be modeled in accordance with (h) and (i).
- h. Automatic daylighting responsive controls shall be modeled directly in the proposed design or through schedule adjustments determined by a separate daylighting analysis approved by the rating authority. Modeling and schedule adjustments shall separately account for primary sidelighted areas, secondary sidelighted areas, and toplighted areas.
- i. Other automatic lighting controls included in the proposed design shall be modeled directly in the building simulation by reducing the lighting schedule each hour by the occupancy sensor reduction factors in Table G3.7 for the applicable space type. This reduction shall be taken only for lighting controlled by the occupancy sensors. Credit for other programmable lighting control in buildings less than 5000 ft<sup>2</sup> can be taken by reducing the lighting schedule each hour by 10%.

**Table G3.1 Row 6 Column B**

Table G3.1 Row 6 Column B - Revise Row 6 Column B of Table G3.1 to read as follows:

Interior lighting power in the baseline building design shall be determined using the values in Table G3.7. However, where lighting neither exists nor is submitted with design documents, and the proposed design lighting power is determined according to the Building Area Method, the baseline building design lighting power shall be determined in accordance with Table G3.8. Where retail display lighting is included in the proposed building design in accordance with Section 9.6.2(b), the baseline building design retail display lighting additional power shall be equal to the limits established by Section 9.6.2(b) or same as proposed, whichever is less.

Lighting shall be modeled having the automatic shutoff controls in buildings greater than 5000 ft<sup>2</sup> and occupancy sensors in employee lunch and break rooms, conference/meeting rooms, and classrooms (not including shop classrooms, laboratory classrooms, and preschool through 12th-grade classrooms). These controls shall be reflected in the baseline building design lighting schedules. No additional automatic lighting controls, e.g., automatic controls for daylight utilization and occupancy sensors in space types not listed above, shall be modeled in the baseline building design.

Exterior lighting in areas that are designed to be illuminated and identified as “Tradable Surfaces” in Table G3.6 shall be modeled with the baseline lighting power shown in Table G3.6. Other exterior lighting shall be modeled the same in the baseline building design as in the proposed design.

#### **Table G3.1 Row 7 Column A**

Table G3.1 Row 7 Column A - Revise Item 1 in Row 7 Column A of Table G3.1 to read as follows:

1. The space use classification is the same throughout the thermal block or all of the zones have peak internal loads that differ by less than 10 Btu/hr • ft<sup>2</sup> from the average.

Table G3.1 Row 7 Column A - Add a new Exception 4 in Row 7 Column A of Table G3.1 to read as follows:

4. All of the zones have schedules that differ by 40 or less equivalent load hours per week.

#### **Table G3.1 Row 11 Column A**

Table G3.1 Row 11 Column A - Add a new Item f in Row 11 Column A of Table G3.1 to read as follows:

- f. Piping losses shall not be modeled.

#### **Table G3.1 Row 11 Column B**

Table G3.1 Row 11 Column B - Delete Item d in Row 11 Column B of Table G3.1 in its entirety.

Table G3.1 Row 11 Column B – Renumber Items e, f and g in Row 11 Column B of Table G3.1 as Items d, e and f of such Row 11 Column B, respectively.

Table G3.1 Row 11 Column B - Renumber Item h in Row 11 Column B of Table G3.1 as Item g in such Row 11 Column B, and revise Exception 1 of such renumbered Item g to read as follows:

1. Service water-heating use can be demonstrated to be reduced by documented water conservation measures that reduce the physical volume of service water required. Examples include low-flow shower heads. Such reduction shall be demonstrated by calculations. The baseline flow rates shall be equal to the maximum allowed by the applicable code and the calculation methodology shall be approved by the authority having jurisdiction.

Table G3.1 Row 11 Column B - Renumber Item i in Row 11 Column B of Table G3.1 as Item h of such Row 11 Column B.

Table G3.1 Row 11 Column B - Add a new Item i in Row 11 Column B of Table G3.1 to read as follows:

i. Piping losses shall not be modeled.

**Table G3.1.1-1 Baseline Building Vertical Fenestration Percentage of Gross Above-Grade Wall Area**

Table G3.1.1-1 – Delete Footnote a below Table G3.1.1-1 in its entirety.

**G3.1.1 Baseline HVAC System Type and Description**

Section G3.1.1 – Revise Item b of Section G3.1.1 to read as follows:

b. Use additional system types for nonpredominant conditions (i.e., residential/nonresidential) if those conditions apply to more than 20,000 ft<sup>2</sup> of conditioned floor area.

Section G3.1.1 – Revise Item c of Section G3.1.1 to read as follows:

c. If the baseline HVAC system type is 5, 6, 7, 8, 9, 10, 11, 12, or 13 use separate single-zone systems conforming with the requirements of system 3 or system 4 for any HVAC zones that have occupancy or internal gains or schedules that differ significantly from the rest of the HVAC zones served by the system. Total Peak internal gains that differ by 10 Btu/h·ft<sup>2</sup> or more from the average of other spaces served by the system, or schedules that differ by more than 40 equivalent full-load hours per week from other HVAC zones served by the system, are considered to differ significantly. Examples where this exception may be applicable include but are not limited to natatoriums and continually occupied security areas. This exception does not apply to computer rooms.

**Section G3.1.2.1 Equipment Efficiencies**

Section G3.1.2.1 – Revise Section G3.1.2.1 to read as follows:

**G3.1.2.1 Equipment Efficiencies**

All HVAC equipment in the baseline building design shall be modeled at the minimum efficiency levels, both part load and full load, in accordance with Tables G3.5.1 through G3.5.6. Where multiple HVAC zones or residential spaces are combined into a single thermal block in accordance with Table G3.1, the efficiencies (for baseline HVAC System Types 1, 2, 3, 4, 9 and 10) taken from Tables G3.5.1, G3.5.2, G3.5.3, G3.5.4, and G3.5.5 shall be based on the equipment capacity of the thermal block divided by the number of HVAC zones or residential spaces. HVAC System Types 5 or 6 efficiencies taken from Table G3.5.1 shall be based on the cooling equipment capacity of a single floor when grouping identical floors in accordance with Section G3.1.1(a)(4). Fan energy shall be modeled separately according to Section G3.1.2.9. COP<sub>nfcooling</sub> and COP<sub>nfheating</sub> are the packaged HVAC equipment cooling and heating energy efficiency, respectively, to be used in the baseline building design, which excludes supply fan power.

**Section G3.1.2.2 Equipment Capacities**

Section G3.1.2.2 – Add a new sentence at the end of Section G3.1.2.2 to read as follows:

Plant capacities shall be based on coincident loads.

**Table G3.1.2.9 Baseline Fan Brake Horsepower**

Table G3.1.2.9 – Revise Table G3.1.2.9 to read as follows:

**Table G3.1.2.9 Baseline Fan Brake Horsepower**

<b>Baseline Fan Motor Brake Horsepower</b>		
<b>Constant-Volume Systems 3,4, 12 and 13</b>	<b>Variable-Volume Systems 5 to 8</b>	<b>Variable-Volume System 11</b>
$CFM_s \times 0.00094 + A$	$CFM_s \times 0.0013 + A$	$CFM_s \times 0.00062 + A$

## Notes:

1. Where A is calculated according to Section 6.5.3.1.1 using the pressure-drop adjustment from the proposed design and the design flow rate of the baseline building system.
2. Do not include pressure-drop adjustments for evaporative coolers or heat recovery devices that are not required in the baseline building system by Section G3.1.2.10.

**Section G3.1.3.2 Type and Number of Boilers (Systems 1, 5, and 7)**

Section G3.1.3.2 – Revise the lead title of Section G3.1.3.2 to read as follows:

**G3.1.3.2 Type and Number of Boilers (Systems 1, 5, 7, 11 and 12)****Section G3.1.3.3 Hot-Water Supply Temperature (Systems 1, 5, 7, and 12)**

Section G3.1.3.3 – Revise the lead title of Section G3.1.3.3 to read as follows:

**G3.1.3.3 Hot-Water Supply Temperature (Systems 1, 5, 7, 11 and 12)****Section G3.1.3.6 Piping Losses (Systems 1, 5, 7, 8, and 11)**

Section G3.1.3.6 – Revise the lead title of Section G3.1.3.6 to read as follows:

**G3.1.3.6 Piping Losses (Systems 1, 5, 7, 8, 11, 12, and 13)****Section G3.1.3.10 Chilled-Water Pumps (Systems 7, 8, and 11)**

Section G3.1.3.10 – Revise the lead title of Section G3.1.3.10 to read as follows:

**G3.1.3.10 Chilled-Water Pumps (Systems 7, 8, 11, 12, and 13)****Section G3.1.3.11 Heat Rejection (Systems 7, 8, 9, 12, and 13)**

Section G3.1.3.11 – Revise the lead title of Section G3.1.3.11 to read as follows:

**G3.1.3.11 Heat Rejection (Systems 7, 8, 11, 12, and 13)****Section G3.1.3.12 Supply Air Temperature Reset (Systems 5 through 8)**

Section G3.1.3.12 – Revise the lead title of Section G3.1.3.12 to read as follows:

**G3.1.3.12 Supply Air Temperature Reset (Systems 5 through 8 and 11)**

**Table G3.5.1 Performance Rating Method Air Conditioners**

Table G3.5.1 – Revise Table G3.5.1 to read as follows:

<b><u>Table G3.5.1 Performance Rating Method Air Conditioners</u></b>					
<b><u>Equipment Type</u></b>	<b><u>Size Category</u></b>	<b><u>Heating Section Type</u></b>	<b><u>Subcategory or Rating Condition</u></b>	<b><u>Minimum Efficiency</u></b>	<b><u>Test Procedure</u></b>
Air conditioners, air-cooled	<65,000 Btu/h	All	Single-package	3.0 COP <sub>nfcooling</sub>	ARI 210/240
	≥65,000 Btu/h and <135,000 Btu/h		Split-system and single-package	3.5 COP <sub>nfcooling</sub>	ARI 340/360
	≥135,000 Btu/h and <240,000 Btu/h			3.4 COP <sub>nfcooling</sub>	
	≥240,000 Btu/h and <760,000 Btu/h			3.5 COP <sub>nfcooling</sub>	
	≥760,000 Btu/h			3.6 COP <sub>nfcooling</sub>	

**Table G3.5.2 Performance Rating Method Electrically Operated Unitary and Applied Heat Pumps – Minimum Efficiency Requirements**

Table G3.5.2 – Revise Table G3.5.2 to read as follows:

<b><u>Table G3.5.2 Performance Rating Method Electrically Operated Unitary and Applied Heat Pumps – Minimum Efficiency Requirements</u></b>					
<b><u>Equipment Type</u></b>	<b><u>Size Category</u></b>	<b><u>Heating Section Type</u></b>	<b><u>Subcategory or Rating Condition</u></b>	<b><u>Minimum Efficiency</u></b>	<b><u>Test Procedure</u></b>
Air-cooled (cooling mode)	<65,000 Btu/h	All	Single package	3.0 COP <sub>nfcooling</sub>	ARI 210/240
	≥65,000 Btu/h and <135,000 Btu/h		Split-system and single-package	3.4 COP <sub>nfcooling</sub>	ARI 340/360
	≥135,000 Btu/h and <240,000 Btu/h			3.2 COP <sub>nfcooling</sub>	
	≥240,000 Btu/h			3.1 COP <sub>nfcooling</sub>	
Air-cooled	<65,000 Btu/h (cooling capacity)		Single-package	3.4 COP <sub>nfheating</sub>	ARI 210/240



(heating mode)	≥65,000 Btu/h and <135,000 Btu/h  (cooling capacity)		47°F db/43°F wb outdoor air	3.4 COP <sub>nfheating</sub>	ARI 340/360
			17°F db/15°F wb outdoor air	2.3 COP <sub>nfheating</sub>	
	≥135,000 Btu/h  (cooling capacity)		47°F db/43°F wb outdoor air	3.4 COP <sub>nfheating</sub>	
			17°F db/15°F wb outdoor air	2.1 COP <sub>nfheating</sub>	

**Table G3.5.4 Performance Rating Method Electrically Operated Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps**

Table G3.5.4 – Revise Table G3.5.4 to read as follows:

<b><u>Table G3.5.4 Performance Rating Method Electrically Operated Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps</u></b>				
<b><u>Equipment Type</u></b>	<b><u>Size Category</u></b>	<b><u>Subcategory or Rating Condition</u></b>	<b><u>Minimum Efficiency</u></b>	<b><u>Test Procedure</u></b>
PTAC (cooling mode)	All capacities	95°F db outdoor air	3.2 COP <sub>nfcooling</sub>	ARI 310/380
PTHP (cooling mode)	All capacities	95°F db outdoor air	3.1 COP <sub>nfcooling</sub>	ARI 310/380
PTHP (heating mode)	All capacities		3.1 COP <sub>nfheating</sub>	ARI 310/380

**Table G3.6 Lighting Power Densities for Building Exteriors**

Table G3.6 – Delete Table G3.6 in its entirety and replace with a new Table G3.6 to read as follows:

<b><u>Table G3.6 Lighting Power Densities for Building Exteriors</u></b>		
<b><u>Tradable Surfaces</u></b> <b><u>(Lighting power densities for uncovered parking areas, building grounds, building entrances and exits, canopies and overhangs and outdoor sales areas may be traded.)</u></b>	<b><u>Uncovered Parking Areas</u></b>	
	Parking lots and drives	0.15 W/ft <sup>2</sup>
	<b><u>Building Grounds</u></b>	
	Walkways less than 10 ft wide	1.0 W/linear foot
	Walkways 10 ft wide or greater  Plaza areas	0.2 W/ft <sup>2</sup>

	<u>Special feature areas</u>	
	<u>Stairways</u>	<sup>1.0</sup> W/ft <sup>2</sup> 1.1
<b><u>Building Entrances and Exits</u></b>		
	<u>Main entries</u>	30 W/linear foot of door width
	<u>Other doors</u>	20 W/linear foot of door width
<b><u>Canopies and Overhangs</u></b>		
	<u>Canopies (free standing and attached and overhangs)</u>	1.25 W/ft <sup>2</sup>
<b><u>Outdoor Sales</u></b>		
	<u>Open areas (including vehicle sales lots)</u>	0.5 W/ft <sup>2</sup>
	<u>Street frontage for vehicle sales lots in addition to open-area allowance</u>	20 W/linear foot

**Table G3.7 Performance Rating Method Lighting Power Density Allowances and Occupancy Sensor Reductions Using the Space-by-Space Method**

Table G3.7 – Add a new row in Table G3.7 after “Computer Room” to read as follows:

<b><u>Common Space Types<sup>a</sup></u></b>	<b><u>Lighting Power Density, W/ft<sup>2</sup></u></b>	<b><u>Occupancy Sensor Reduction<sup>b</sup></u></b>
<u>Dwelling Unit</u>	<u>1.07</u>	<u>None</u>

**Appendix I**

Add a new Appendix I, following Appendix H, to read as follows:

This is a normative appendix and is part of this standard.

**Normative Appendix I**

**Required Additional Efficiency Packages**

**I1 GENERAL**

**I1.1 Requirements**

New buildings shall comply with at least one of the following sections:

1. More efficient HVAC equipment in accordance with Section I2.
2. Reduced lighting power density in accordance with Section I3.
3. Enhanced digital lighting controls in accordance with Section I4.

4. Dedicated outdoor air systems with energy recovery ventilation in accordance with Section I5.
5. High-efficiency service water heating in accordance with Section I6.
6. Enhanced envelope performance in accordance with Section I7.
7. Reduced air infiltration in accordance with Section I8.

### **I.1.2 Tenant Spaces**

Tenant spaces shall comply with I2, I3, I4, I5 or I6. Alternatively, tenant spaces shall be in compliance with Section I7 or I8 where the entire building is in compliance.

#### **Exception:**

Previously occupied tenant spaces that comply with this code using Section 4.2.1.3.

## **I2 MORE EFFICIENT HVAC EQUIPMENT**

Equipment shall exceed the minimum efficiency requirements listed in Tables 6.8.1-1 through 6.8.1-7, and Tables 6.8.1-9 through 6.8.1-16 by 10%, in addition to the requirements of Section 6. Where multiple performance requirements are provided, the equipment shall exceed all requirements by 10%. Equipment not listed in Tables 6.8.1-1 through 6.8.1-7, and Tables 6.8.1-9 through 6.8.1-16 shall be limited to 10% of the total building system capacity.

## **I3 REDUCED LIGHTING POWER DENSITY**

The total interior lighting power (watts) of the building shall be determined by using 90% of the lighting power values specified in Table 9.5.1 times the floor area for the building types, or by using 90% of the interior lighting power allowance calculated by the Space-by-Space Method in Section 9.6.

## **I4 ENHANCED DIGITAL LIGHTING CONTROLS**

Interior lighting in the building shall have the following enhanced lighting controls that shall be located, scheduled and operated in accordance with Section 9.4.1.1(i).

1. Luminaires shall be configured for continuous dimming.
2. Luminaires shall be addressed individually. Where individual addressability is not available for the luminaire class type, a controlled group of not more than four luminaires shall be allowed.
3. Not more than eight luminaires shall be controlled together in a daylight area.
4. Fixtures shall be controlled through a digital control system that includes the following functions:
  - 4.1. Control reconfiguration based on digital addressability.
  - 4.2. Load shedding.
  - 4.3. Individual user control shall be capable of being reconfigured through the digital control system.
  - 4.4. Occupancy sensors shall be capable of being reconfigured through the digital control system.

5. Construction documents shall include submittal of a Sequence of Operations, including a specification outlining each of the functions in Item 4 of this section.
6. Functional testing of lighting controls shall comply with Section 9.4.3.

## **I5 DEDICATED OUTDOOR AIR SYSTEM**

Buildings containing equipment or systems regulated by Section 6.5.2.2, 6.5.3.2.1, 6.5.3.2.2, 6.5.3.2.3, 6.5.3.3, 6.5.3.4, 6.5.3.5, 6.5.3.6, 6.5.4.1, 6.5.4.2, 6.5.4.3, 6.5.4.4, 6.5.5.2, 6.5.5.3, or 6.5.5.4 shall be equipped with an independent ventilation system designed to provide not less than the minimum 100% outdoor air to each individual occupied space, as specified by the New York City Mechanical Code. The ventilation system shall be equipped with an energy recovery system meeting the requirements of Section 6.5.6.1 (Note: Option I5 may not be selected where energy recovery ventilation is prohibited by the New York City Mechanical Code or otherwise prohibited). The HVAC system shall include supply-air temperature controls that automatically reset the supply-air temperature in response to representative building loads, or to outdoor air temperatures. The controls shall reset the supply-air temperature not less than 25% of the difference between the design supply-air temperature and the design room-air temperature.

## **I6 REDUCED ENERGY USE IN SERVICE WATER HEATING**

Buildings shall be of the following types to use this compliance method:

1. Group R-1: Boarding houses, hotels or motels.
2. Group I-2: Hospitals, psychiatric hospitals and nursing homes.
3. Group A-2: Restaurants and banquet halls or buildings containing food preparation areas.
4. Group F: Laundries.
5. Group R-2.
6. Group A-3: Health clubs and spas.

### **16.1 Load Fraction**

The building service water-heating system shall have one or more of the following that are sized to provide not less than 60% of the building's annual hot water requirements, or sized to provide 100% of the building's annual hot water requirements if the building shall otherwise comply with Section 6.5.6.2:

1. Waste heat recovery from service hot water, heat-recovery chillers, building equipment, or process equipment.
2. On-site renewable energy water-heating systems.

## **I7 ENHANCED ENVELOPE PERFORMANCE**

The thermal performance of the envelope as designed shall demonstrate a minimum 15% improvement compared to the prescriptive U-, C-, F-factor requirements of Section 5.5.

**18 REDUCED AIR INFILTRATION**

Air infiltration shall be verified by whole-building pressurization testing conducted in accordance with ASTM E779 or ASTM E1827 by an independent third party. The measured air-leakage rate of the building envelope shall not exceed 0.25 cfm/ft<sup>2</sup> under a pressure differential of 0.3 inches water column (75 Pa), with the calculated surface area being the sum of the above- and below-grade building envelope. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the building owner.

**Exception:**

For buildings having over 250,000 square feet of conditioned floor area, air leakage testing need not be conducted on the whole building where testing is conducted on representative above-grade sections of the building. Tested areas shall total not less than 25% of the conditioned floor area and shall be tested in accordance with this section.

§ 4. This local law takes effect on May 12, 2020, and applies to applications filed on and after such effective date except that the commissioner of buildings may promulgate rules or take other actions for the implementation of such provisions prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, February 26, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Report of the Committee on Land Use**

Report for L.U. No. 606

**Report of the Committee on Land Use in favor of approving Application No. C 200061(A) ZSM (GO Broome Street Development) submitted by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company, Inc. pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 78-312 of the Zoning Resolution to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and the distance between buildings requirements of Section 23-711 (Standard Minimum Distance Between Buildings), in connection with a proposed mixed use development on property located on the southerly side of Broome Street between Norfolk Street and Suffolk Street (Block 346, Lots 1, 37 & 75), within an existing large- scale residential development bounded by Broome Street, Suffolk Street, Grand Street and Essex Street (Block 346, Lots 1, 37, 75 & 95; and Block 351, Lot 1), in R8 and R9-1/C2-5 Districts, Borough of Manhattan, Council District 1, Community District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 23, 2020 (Minutes, page 149) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB-3 – THREE APPLICATIONS RELATED TO GO BROOME STREET DEVELOPMENT**

**C 200061(A) ZSM (L.U. No. 606)**

City Planning Commission decision approving an application submitted by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company, Inc. pursuant to Sections 197-c and 201 and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure of the New York City Charter for the grant of a special permit pursuant to Section 78-312 of the Zoning Resolution to allow floor area permitted by the applicable district regulations to be distributed without regard for zoning lot lines, to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and the distance between buildings requirements of Section 23-711 (Standard Minimum Distance Between Buildings), in connection with a proposed mixed use development on property located on the southerly side of Broome Street between Norfolk Street and Suffolk Street (Block 346, Lots 1, 37 & 75), within an existing large-scale residential development bounded by Broome Street, Suffolk Street, Grand Street and Essex Street (Block 346, Lots 1, 37, 75 & 95; and Block 351, Lot 1), in R8 and R9-1/C2-5 Districts.

**C 200064 ZMM (L.U. No. 607)**

City Planning Commission decision approving an application submitted by GO Broome, LLC and The Chinatown Planning Council Housing Development Fund Company, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c:

1. changing from an R8 District to an R9-1 District property bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street; and

- 2. establishing within the proposed R9-1 District a C2-5 District bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street;

as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-548.

**N 200065 ZRM (L.U. No. 608)**

City Planning Commission decision approving an application submitted by GO Broome LLC and Chinatown Planning Council Development Fund, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the Quality Housing provisions of Article II, Chapters 3 and 8, and related provisions, and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve special permit pursuant to ZR Section 78-312 to allow floor area permitted by the applicable district regulations to be distributed without regard for zoning lot lines, to modify the height and setback requirements of ZR Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), and the distance between buildings requirements of Section 23-711 (Standard Minimum Distance Between Buildings); to approve an amendment to rezone the Project Area from R8 to R9-1 with a C2-5 commercial overlay; and to amend zoning text to ZR Sections 23-011, 23-01, 78-03, and Appendix F to designate a Mandatory Inclusionary Housing (MIH) area and allow use of the Quality Housing Program in Manhattan Community District 3.

**PUBLIC HEARING**

**DATE:** January 30, 2020

**Witnesses in Favor:** Twenty-six

**Witnesses Against:** Four

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 606 through 608.

**In Favor:**  
Moya, Levin, Reynoso, Grodenchik, Rivera.

**Against:** None  
**Abstain:** None

**COMMITTEE ACTION****DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against: Abstain:**

None None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1265

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200061 (A) ZSM, for the grant of a special permit (L.U. No. 606).**

By Council Members Salamanca and Moya.

**WHEREAS**, GO Broome, LLC and The Chinatown Planning Council Housing Development Fund Company, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 78-312 of the Zoning Resolution to allow floor area permitted by the applicable district regulations to be distributed without regard for zoning lot lines, to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and the distance between buildings requirements of Section 23-711 (Standard Minimum Distance Between Buildings), in connection with a proposed mixed use development on property located on the southerly side of Broome Street between Norfolk Street and Suffolk Street (Block 346, Lots 1, 37 & 75), within an existing large-scale residential development bounded by Broome Street, Suffolk Street, Grand Street and Essex Street (Block 346, Lots 1, 37, 75 & 95; and Block 351, Lot 1), in R8 and R9-1/C2-5 Districts, which in conjunction with the related actions would facilitate the development of two new mixed-use developments containing mostly residential uses, and community facility and commercial uses (the proposed development) in Manhattan Community District 3 (ULURP No. C 200061(A) ZSM) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 21, 2020, its decision dated January 21, 2020 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to applications C 200064 ZMM (L.U. No. 607), a zoning map amendment to change an R8 district to an R9-1 district with a C2-5 overlay; and N 200065 ZRM (L.U. No. 608), a zoning text amendment to Appendix F; ZR Section 23-011, 28-01, and 78-03 to designate a Mandatory Inclusionary Housing (MIH) area and allow use of the Quality Housing Program;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Sections 13-443, 78-311(e), 78-312, and 78-313 of the Zoning Resolution of the City of New York;



**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 30, 2020;

**WHEREAS**, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration, issued on January 25, 2019 (CEQR No. 19DCP119M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 10, 2020 which identified significant adverse impacts with respect to construction (vehicular traffic and noise) and transportation (vehicular traffic and pedestrian traffic) and significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-548) on the project sites. In addition, the FEIS analyzed the amended application and concluded that the amended application would not change the conclusions of the FEIS and the significant adverse impact categories would remain the same and the identified significant adverse impacts and proposed mitigation measures are included in the Restrictive Declaration attached as Exhibit A and Exhibit B to the Decision.

**RESOLVED:**

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to two Restrictive Declarations marked as Exhibit A and Exhibit B, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-548) for hazardous materials, air quality, and noise; and
- (4) No development pursuant to this resolution shall be permitted until the Restrictive Declarations attached as Exhibit A and Exhibit B, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning and Counsel to the Landmarks Preservation Commission, as executed by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d) of the SEQRA regulations.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200061(A) ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 200061(A) ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations

indicated on the following plans, prepared by Dattner Architects, filed with this application and incorporated in this resolution:

<b><u>Dwg. No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-103.00	Seward Park Extension West LSRD Site Plan (Proposed)	01/17/2020
Z-104.00	Seward Park Extension West LSRD Zoning Analysis (1 of 2)	08/06/2019
Z-105.00	Seward Park Extension West LSRD Zoning Analysis (2 of 2)	10/07/2019
Z-201.00	Parcel 2A – Zoning Analysis (1 of 2), Curb Level & Base Plane (Development Site)	08/06/2019
Z-202.00	Parcel 2A – Zoning Analysis (2 of 2), Curb Level & Base Plane (Development Site)	10/07/2019
Z-203.00	Parcel 2A – Zoning Lot Site Plan (Development Site)	01/17/2020
Z-205.00	Parcel 2A – Development Waiver Plan	01/17/2020
Z-206.00	Parcel 2A – Waiver Sections	01/17/2020
Z-207.00	Parcel 2A – Waiver Sections	01/17/2020
Z-208.00	Parcel 2A – Waiver Sections	01/17/2020
Z-209.00	Parcel 2A – Waiver Sections	10/07/2019
Z-210.00	Parcel 2A – Waiver Sections	10/07/2019
Z-211.00	Parcel 2A – Waiver Sections	08/06/2019
Z-212.00	Parcel 2A – Waiver Sections	08/06/2019
Z-213.00	Parcel 2A – Waiver Sections	10/07/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe

any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 607

**Report of the Committee on Land Use in favor of approving Application No. C 200064 ZMM (GO Broome Street Development) submitted by GO Broome, LLC and The Chinatown Planning Council Housing Development Fund Company, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c, changing from an R8 District to an R9-1 District property bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street, and establishing within the proposed R9-1 District a C2-5 District bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street, Borough of Manhattan, Council District 1, Community District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 23, 2020 (Minutes, page 150) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for LU No. 606 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

## Res. No. 1266

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200064 ZMM, a Zoning Map amendment (L.U. No. 607).**

By Council Members Salamanca and Moya.

**WHEREAS**, GO Broome, LLC and The Chinatown Planning Council Housing Development Fund Company, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12c, changing from an R8 District to an R9-1 District and establishing within the proposed R9-1 District a C2-5 District, which in conjunction with the related actions would facilitate the development of two new mixed-use developments containing mostly residential uses, and community facility and commercial uses (the proposed development) in Manhattan Community District 3 (ULURP No. C 200064 ZMM) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 21, 2020, its decision dated January 21, 2020 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to applications C 200061(A) ZSM (L.U. No. 606), a zoning special permit pursuant to Zoning Resolution (ZR) Section 78-312 to waive height, setback, and distance between buildings regulations of ZR Section 23-60 and 23-70; and N 200065 ZRM (L.U. No. 608), a zoning text amendment to Appendix F; ZR Section 23-011, 28-01, and 78-03 to designate a Mandatory Inclusionary Housing (MIH) area and allow use of the Quality Housing Program;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 30, 2020;

**WHEREAS**, the Council has considered the land use and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration, issued on January 25, 2019 (CEQR No. 19DCP119M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 10, 2020 which identified significant adverse impacts with respect to construction (vehicular traffic and noise) and transportation (vehicular traffic and pedestrian traffic), and significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-548) on the project sites. In addition, the FEIS analyzed the amended application and concluded that the amended application would not change the conclusions of the FEIS and the significant adverse impact categories would remain the same and the identified significant adverse impacts and proposed mitigation measures are included in the Restrictive Declaration attached as Exhibit A and Exhibit B to the Decision.

**RESOLVED:**

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to two Restrictive Declarations marked as Exhibit A and Exhibit B, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-548) for hazardous materials, air quality, and noise; and
- (4) No development pursuant to this resolution shall be permitted until the Restrictive Declarations attached as Exhibit A and Exhibit B, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning and Counsel to the Landmarks Preservation Commission, as executed by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200064 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12c:

1. changing from an R8 District to an R9-1 District property bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street; and
2. establishing within the proposed R9-1 District a C2-5 District bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street;

as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-548, Community District 3, Borough of Manhattan.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report for L.U. No. 608

**Report of the Committee on Land Use in favor of approving Application No. N 200065 ZRM (GO Broome Street Development) submitted by GO Broome LLC and Chinatown Planning Council Development Fund, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the Quality Housing provisions of Article II, Chapters 3 and 8, and related provisions, and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Council District 1, Community District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 23, 2020 (Minutes, page 150) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for LU No. 606 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1267

**Resolution approving the decision of the City Planning Commission on Application No. N 200065 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 608).**

By Council Members Salamanca and Moya.

**WHEREAS**, GO Broome, LLC and Chinatown Planning Council Development Fund, Inc., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying the Quality Housing provisions of Article II, Chapters 3 and 8, and related provisions, and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of two new mixed-use developments containing mostly residential uses, and community facility and commercial uses (the proposed development) in Manhattan Community District 3 (Application No. N 200065 ZRM), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on January 21, 2020, its decision dated January 21, 2020 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications C 200061(A) ZSM (L.U. No. 606), a zoning special permit pursuant to Zoning Resolution (ZR) Section 78-312 to waive height, setback, and distance between buildings regulations of ZR Section 23-60 and 23-70; and C 200064 ZMM (L.U. No. 607), a zoning map amendment to change an R8 district to an R9-1 district with a C2-5 overlay;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 30, 2020;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration, issued on January 25, 2019 (CEQR No. 19DCP119M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 10, 2020 which identified significant adverse impacts with respect to construction (vehicular traffic and noise) and transportation (vehicular traffic and pedestrian traffic) and significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-548) on the project sites. In addition, the FEIS analyzed the amended application and concluded that the amended application would not change the conclusions of the FEIS and the significant adverse impact categories would remain the same and the identified significant adverse impacts and proposed mitigation measures are included in the Restrictive Declaration attached as Exhibit A and Exhibit B to the Decision.

**RESOLVED:**

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to two Restrictive Declarations marked as Exhibit A and Exhibit B, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-548) for hazardous materials, air quality, and noise; and
- (4) No development pursuant to this resolution shall be permitted until the Restrictive Declarations attached as Exhibit A and Exhibit B, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning and Counsel to the Landmarks Preservation Commission, as executed by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Matter underlined is new, to be added;

Matter ~~struck out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

Matter underlined is new, to be added.

Matter ~~struck out~~ is to be deleted.

Matter with # # is defined in Section 12-10.

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## Article II – Residence District Regulations

\* \* \*

### Chapter 3 Residential Bulk Regulations in Residence Districts

\* \* \*

#### 23-011 Quality Housing Program

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings converted# pursuant to Article I, Chapter 5.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of This Chapter).

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:
- (1) the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or
  - (2) the existing #buildings# contain #residences#, and:
    - (i) such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-662 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio# and #lot coverage# standards applicable to #Quality Housing buildings#; or
    - (ii) for #developments# or #enlargements# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors):
      - (a) the entire #zoning lot# will comply with the #floor area ratio# set forth in Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable;
      - (b) the entire #zoning lot# will comply with the #lot coverage# regulations for the applicable zoning district set forth in Section 23-153 (For Quality Housing buildings); and the #development# or #enlargement#:



- (1) will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 1 of paragraph (b) of Section 23-664;
- (2) in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(3) of Section 23-664 will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664; or
- (3) in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(4) of Section 23-664 and is located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

#### R6 R7 R8 R9 R10

- (c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:
- (1) Article VII, Chapter 8 (Special Regulations applying to Large Scale Residential Developments); except that they may be permitted as an alternative to apply within #Large Scale Residential Developments# located:
    - (i) in C2-5 Districts mapped within R9-1 Districts in Community District 3 in the Borough of Manhattan.
  - (2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

- #Special 125th Street District#;
- #Special Downtown Brooklyn District#;
- #Special Downtown Far Rockaway District#;
- #Special Downtown Jamaica District#;
- #Special East Harlem Corridors District#;
- #Special Grand Concourse Preservation District#;
- #Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

#Special Long Island City Mixed Use District#;

#Special Lower Manhattan District#, as modified in Section 91-05;

#Special Ocean Parkway District#;

#Special Transit Land Use District#; or

#Special Tribeca Mixed Use District#.

R6 R7 R8 R9 R10

- (d) In the districts indicated, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of the total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

R6 R7 R8 R9 R10

- (e) In the districts indicated, where a Special Purpose District modifies the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, the additional provisions for #Quality Housing buildings# set forth in Article II, Chapter 8 shall continue to apply. In addition, where any Special Purpose District that requires elements of Article II, Chapter 8 to apply to non-#Quality Housing buildings#, all associated #floor area# exemptions shall apply.

\* \* \*

## **Chapter 8**

### **The Quality Housing Program**

#### **28-00**

#### **GENERAL PURPOSES**

The Quality Housing Program is established to foster the provision of multifamily housing and certain #community facilities# that:

- (a) are compatible with existing neighborhood scale and character;
- (b) provide on-site amenity spaces to meet the needs of its residents; and
- (c) are designed to promote the security and safety of its residents.

#### **28-01**

#### **Applicability of this Chapter**

The Quality Housing Program is a specific set of standards and requirements that, in conjunction with the #bulk# provisions for #Quality Housing buildings# set forth in Article II, Chapter 3, and Article III, Chapter 5, as

applicable, apply to #buildings# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or some combination thereof as follows:

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter.
- (b) In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all #developments# and #enlargements# of such #buildings# utilizing the Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the Quality Housing Program standards and requirements set forth in this Chapter.
- (c) In R5D Districts, only the requirements set forth in Sections 28-12 (Refuse Storage and Disposal), 28-23 (Planting Areas) and 28-43 (Location of Accessory Parking) shall apply.
- (d) In R6 through R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, for #developments# and #enlargements# of #community facility buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or portions of #buildings# containing such #uses#, where such #buildings# utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts with a letter suffix, or the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts without a letter suffix, the Quality Housing Program standards and requirements of this Chapter shall apply, except that the provisions of Section 28-12 shall be optional.
- ~~(e) The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), are not applicable to #Quality Housing buildings#.~~
- (fe) The provisions of this Chapter shall not apply to #dwelling units converted# pursuant to Article I, Chapter 5, unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

\* \* \*

## Article VII - Administration

### Chapter 8

#### Special Regulations Applying to Large-Scale Residential Developments

#### 78-00

#### GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

#### 78-01

#### General Purposes

The regulations set forth in this Chapter are designed to deal with certain types of problems which arise only in connection with large-scale residential developments and to promote and facilitate better site planning and community planning through modified application of the district regulations in such developments.

For large-scale residential developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments, the regulations of this Chapter are designed to allow greater flexibility for the purpose of securing better site planning for development of vacant land and to provide incentives toward that end while safeguarding the present or future use and development of surrounding

areas and, specifically, to achieve more efficient use of increasingly scarce land within the framework of the overall bulk controls, to enable open space in large-scale residential developments to be arranged in such a way as best to serve active and passive recreation needs of the residents, to protect and preserve scenic assets and natural features such as trees, streams and topographic features, to foster a more stable community by providing for a population of balanced family sizes, to encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings, and thus to promote and protect public health, safety and general welfare.

\* \* \*

**78-03**

**Applicability of This Chapter**

#Large-scale residential developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter and apply only to such #large-scale residential developments#. ~~However, the Quality Housing Program is inapplicable in #large-scale residential development#.~~

Any #large-scale residential development# having a total of at least 500 #dwelling units# shall be subject to the provisions of Section 78-11 (General Provisions), relating to Provision of Public Facilities in Connection with Large-Scale Residential Developments.

#Large-scale residential developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**MANHATTAN**

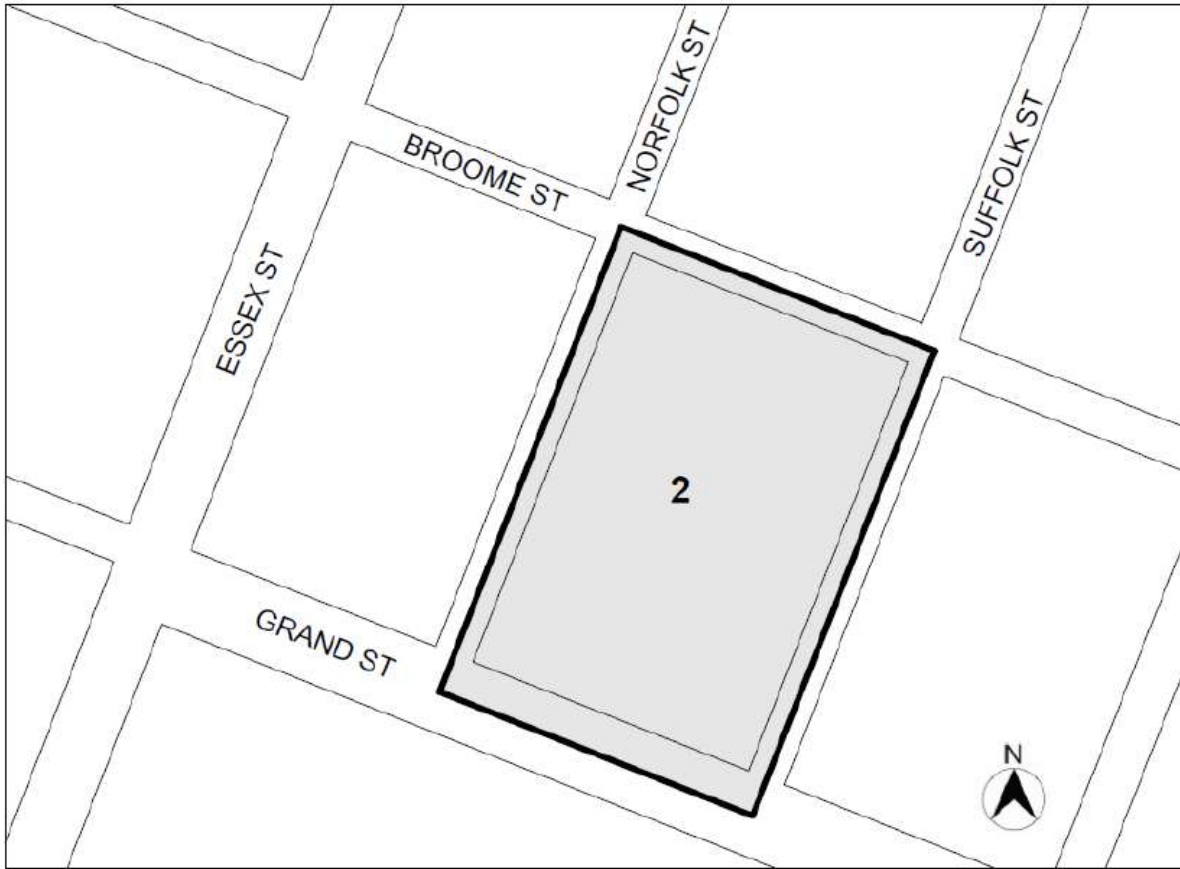
\* \* \*

**Manhattan Community District 3**

\* \* \*

Map 3 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 2 [date of adoption] MIH Program Option 1

Portion of Community District 3, Manhattan

\* \* \*

END

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report for L.U. No. 609

**Report of the Committee on Land Use in favor of approving Application No. C 190265 ZSM (503 BROADWAY) submitted by FSF Soho, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on portions of the cellar, ground floor, second floor of an existing 5-story commercial building, on property located at 503 Broadway (Block 484, Lots 1201 & 1202), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Council District 1, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 23, 2020 (Minutes, page 150) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****MANHATTAN CB - 2****C 190265 ZSM**

City Planning Commission decision approving an application submitted by FSF Soho, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on portions of the cellar, ground floor, and second floor of an existing 5-story commercial building, on property located at 503 Broadway (Block 484, Former Lot 17; Condo Lots 1201 & 1202), in an M1-5B District, within the SoHo Cast-Iron Historic District.

**INTENT**

To grant an approval of the special permit to allow Use Group 10A in an M1-5B zoning district located at 503 Broadway (Block 484, Former Lot 7; Condo Lots 1201 & 1202), within the SoHo Cast-Iron Historic District in Manhattan, Community District 2.

**PUBLIC HEARING****DATE:** January 30, 2020**Witnesses in Favor:** Six**Witnesses Against:** Twelve**SUBCOMMITTEE RECOMMENDATION****DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1268

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190265 ZSM, for the grant of a special permit (L.U. No. 609).**

By Council Members Salamanca and Moya.

**WHEREAS**, FSF Soho, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on portions of the cellar, ground floor, and second floor of an existing five-story building on property located at 503 Broadway (Block 484, Former Lot 17; Condo Lots 1201 & 1202), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community Board 2 (ULURP No. C 190265 ZSM) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 22, 2020, its decision dated January 22, 2020 (the “Decision”) on the Application;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 30, 2020;

**WHEREAS**, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued August 26<sup>th</sup>, 2019 (CEQR No. 19DCP182M) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190265 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 190265 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by ARPAD BASKA ARCHITECT, P.C. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPZ-1	Zoning Analysis	06 Jun 2019
CPZ-2	Zoning Lot Site Plan	13 Jan 2020
CP-02	Existing & Proposed Cellar Plan	19 Mar 2019
CP-03	Existing & Proposed Ground Floor Plan (1 <sup>st</sup> Floor)	19 Mar 2019
CP-04	Proposed Second Floor Plan	06 Jun 2019
CP-05	Proposed Building Section (East-West)	06 Jun 2019
CP-06	Proposed Building Section (North-South)	06 Jun 2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.



6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 610

**Report of the Committee on Land Use in favor of approving Application No. C 190508 MMX (Bridge Park South Mapping) submitted by the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of Exterior Street between the High Bridge and the Alexander Hamilton Bridge; the elimination, discontinuance and closing of West 171st Street between Exterior Street and the U.S. Pierhead and Bulkhead Line; the establishment of a public park; the adjustment block dimensions and grades necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13144 dated June 24, 2019 and signed by the Borough President, Borough of the Bronx, Council District 16, Community District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 23, 2020 (Minutes, page 151) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BRONX CB - 4**

**C 190508 MMX**

City Planning Commission decision approving an application submitted by the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Exterior Street between the High Bridge and the Alexander Hamilton Bridge;
- the elimination, discontinuance and closing of West 171st Street between Exterior Street and the U.S. Pierhead and Bulkhead Line;
- the establishment of public park;
- the adjustment block dimensions and grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 4, Borough of The Bronx, in accordance with Map No. 13144 dated June 24, 2019 and signed by the Borough President.

**INTENT**

To approve the amendment to the City Map and included acquisition and disposition to facilitate a 3.8-acre addition to Bridge Park in the Highbridge neighborhood of The Bronx, Community District 4.

**PUBLIC HEARING**

**DATE:** January 30, 2020

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1269

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190508 MMX, an amendment to the City Map (L.U. No. 610).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Parks and Recreation, filed an application pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Exterior Street between the High Bridge and the Alexander Hamilton Bridge;
- the elimination, discontinuance and closing of West 171st Street between Exterior Street and the U.S. Pierhead and Bulkhead Line;
- the establishment of public park;
- the adjustment block dimensions and grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13144 dated June 24, 2019 and signed by the Borough President, (ULURP No. C 190508 MMX), Community District 4, Borough of The Bronx (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on January 21, 2020 its decision dated January 8, 2020 (the "Decision"), on the Application;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 30, 2020;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued May 23<sup>rd</sup>, 2019 (CEQR No. 18DPR007X), (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 190508 MMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Exterior Street between the High Bridge and the Alexander Hamilton Bridge;
- the elimination, discontinuance and closing of West 171st Street between Exterior Street and the U.S. Pierhead and Bulkhead Line;
- the establishment of public park;
- the adjustment block dimensions and grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 4, Borough of The Bronx, in accordance with Map No. 13144 dated June 24, 2019 and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the legally required number of counterparts of Map No. 13144 dated June 24, 2019 have been adopted, providing for the elimination, discontinuance and closing of Exterior Street between the High Bridge and the Alexander Hamilton Bridge and the elimination, discontinuance and closing of West 171st Street between Exterior Street and the U.S. Pierhead and Bulkhead Line, said streets to be discontinued and closed being more particularly described as follows:

**DISCONTINUANCE AND CLOSING OF A PORTION OF EXTERIOR STREET BETWEEN THE HIGH BRIDGE AND THE ALEXANDER HAMILTION BRIDGE AND THE DISCONTINUANCE AND CLOSING OF EAST 171<sup>ST</sup> STREET BETWEEN EXTERIOR STREET AND THE U.S. PIERHEAD AND BULKHEAD LINE**

Starting at a point of tangency on the United States Pierhead and Bulkhead line, thence running 105.00 feet, along the United States Pierhead and Bulkhead Line, in a northerly direction, to the point or place of beginning;

1. Thence, running 128.93 feet, in an easterly direction, on a line that makes a deflection angle to the left of 99 degrees-11 minutes - 23 seconds, with the previous course, to a point on the westerly line of Exterior Street, discontinued and closed;
2. Thence running 653.51 feet, in a southerly direction, along said westerly line of Exterior Street, discontinued and closed, on a line which makes an exterior angle to the left , with the previous course of 84 degrees-00 minutes- 00 seconds; to a point of curvature;
3. Thence running 108.32 feet, in a southerly direction, on a curve to the right, which has a radius of 777.00 feet, and a central angle of 7 degrees-59 minutes-16 seconds, to a point of tangency;
4. Thence running 89.59 feet, in a southerly direction, on a tangent to said curve to a point of curvature;
5. Thence running 186.73 feet, in a southerly direction, on a curve to the left, which has a radius of 823.00 feet, and a central angle of 13 degrees-00 minutes-00 seconds to a point;
6. Thence running 19.91 feet, in a southerly direction, on a tangent to said curve, to a point;
7. Thence running 3.0 feet, in a westerly direction, along a radial line, to a point on a curve;
8. Thence, running 26.70 feet, in a southerly direction, along a curve to the left with a radius of 1400.00 feet, and central angle of 1 degree-05 minutes-35 seconds to a point;
9. Thence running 40.90 feet in a northeasterly direction to a point on a curve;

10. Thence, running 18.58 feet, in a northwesterly direction, on a curve to the right with radius of 1400.00 and central angle of 1 degrees-05 minutes-35 seconds, to a point of tangency;
11. Thence, 19.91 feet in a northwesterly direction to a point of curvature;
12. Thence, 178.11 feet, in a northerly direction, on a curve to the right with a radius of 785.00 feet and central angle of 13 degrees-00 minutes-00 seconds, to a point of tangency;
13. Thence running 89.59 feet, in a northerly direction to a point of curvature;
14. Thence running 113.62 feet, in a northerly direction, on a curve to the right with a radius of 815.00 feet and a central angle of 7 degrees-59 minutes-16 seconds, to a point;
15. Thence running 2.0 feet, in an easterly direction, on a radial line, to a point;
16. Thence, running 718.05 feet, in a northerly direction, to a point;
17. Thence, running 165.75 feet in a westerly direction, on a line that makes an interior angle of 84 degrees-00 minutes-00 seconds with the previous course, to a point on the United States Pierhead and Bulkhead Line;
18. Thence running 60.78 feet, in a southerly direction, along the United States Pierhead and Bulkhead Line, to the Point or Place of beginning.

Said discontinued and closed contains an area of 47,472 square feet (1.08 acres), more or less.

**RESOLVED** that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13144 dated June 24, 2019 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- b. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 614

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190438 ZMK (2513-2523 Avenue O Rezoning) submitted by Pulmonary and Sleep Medical, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R2 District to an R3-2 District property bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, Borough of Brooklyn, Council District 48, Community District 14.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 278) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 614 & Res. No. 1276 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 615

**Report of the Committee on Land Use in favor of approving Application No. 20205150 SCK (322-Seat Primary School Facility) submitted pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 322-Seat Primary School Facility, located at 6740 3rd Avenue (Block 5853, Lot 45), Borough of Brooklyn, Council District 43, Community School District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11 2020 (Minutes, page 278) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 10**

**20205150 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 322-Seat Primary School Facility, located at 6740 3<sup>rd</sup> Avenue (Block 5853, Lot 45), Borough of Brooklyn, Community School District No. 20.

### **INTENT**

To approve the site plan for the construction of a new, approximately 322-Seat Primary School facility to accommodate students in Community School District No. 20.

### **PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Two

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Adams offered the following resolution:

## Res. No. 1270

**Resolution approving the site plan for a new, approximately 322-Seat Primary School Facility, located at 6740 3<sup>rd</sup> Avenue (Block 5853, Lot 45), Community District 10, Borough of Brooklyn (Non-ULURP No. 20205150 SCK; L.U. No. 615).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on November 7, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 322-Seat Primary School Facility, located at 6740 3<sup>rd</sup> Avenue (Block 5853, Lot 45), Community District 10, Borough of Brooklyn to accommodate students in Community School District No. 20 (the “Site Plan”);

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on February 12, 2020;

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on January 9, 2020, (SEQR Project Number 20-006) (the “Negative Declaration”); and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Site Plan.

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment as set forth in the Negative Declaration.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 624

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20205180 TCM (Bluestone Lane) submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of BL 417 Amsterdam NY, LLC, d/b/a Bluestone Lane, for a renewal of a revocable consent to continue, maintain and operate an unenclosed sidewalk café located at 417 Amsterdam Avenue, Borough of Manhattan Council District 6, Community District 7. This application is subject to review and action by the Land Use Committee**



**only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 281) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 7**

**20205180 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of BL 417 Amsterdam NY, LLC, d/b/a Bluestone Lane, for a renewal revocable consent to continue, maintain and operate an unenclosed sidewalk cafe located at 417 Amsterdam Avenue, Manhattan.

By letter dated February 11, 2020 and submitted to the City Council on February 11, 2020, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1271

**Resolution approving a motion to file pursuant to withdrawal of the Recommendation to approve a renewal revocable consent for an unenclosed sidewalk café located at 417 Amsterdam Avenue, Borough of Manhattan (Non-ULURP No. 20205180 TCM; L.U. No. 624).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 24, 2020 its approval dated January 22, 2020 of the petition of BL 417 Amsterdam NY, LLC, d/b/a Bluestone Lane, for a renewal revocable consent to continue, maintain, and operate an unenclosed sidewalk café located at 417 Amsterdam Avenue, Borough of Manhattan, Community District 7, comprised of ten (10) tables and nineteen (19) chairs (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition was subject to review by the Council pursuant to Section 20-226 (f) of the Administrative Code;

**WHEREAS**, by letter dated February 11, 2020 and submitted to the City Council on February 11, 2020, the Department of Consumer Affairs filed its Withdrawal of Recommendation for approval of the Petition;

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

Coupled to be Filed Pursuant to Letter of Withdrawal

Report for L.U. No. 625

**Report of the Committee on Land Use in favor of approving Application No. 20205106 TCM (Trattoria Dell'Arte) submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Cieli Partners, L.P., d/b/a Trattoria Dell 'Arte, for a renewal of a revocable consent to continue, maintain and operate an unenclosed sidewalk café located at 900 7th Avenue, Borough of Manhattan, Council District 4, Community District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 281) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****MANHATTAN CB - 5****20205106 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Cieli Partners, L.P., d/b/a Trattoria Dell 'Arte, for a renewal revocable consent to continue, maintain and operate an unenclosed sidewalk cafe located at 900 7<sup>th</sup> Avenue, Manhattan.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to continue, maintain, and operate an unenclosed café and service area on the sidewalk of such street.

**PUBLIC HEARING****DATE:** February 12, 2020**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the Petition.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1272

**Resolution approving the petition for a renewal revocable consent for an unenclosed sidewalk café located at 900 7<sup>th</sup> Avenue, Borough of Manhattan (Non-ULURP No. 20205106 TCM; L.U. No. 625).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 24, 2020 its approval dated January 14, 2020 of the petition of Cieli Partners, L.P., d/b/a Trattoria Dell ‘Arte, for a renewal revocable consent to continue, maintain, and operate an unenclosed sidewalk café located at 900 7<sup>th</sup> Avenue, Borough of Manhattan, Community District 5, comprised of seven (7) tables and twenty-eight (28) chairs (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226 (f) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on February 12, 2020; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Petition.

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 636

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 200088 ZMX (C7 Baychester Avenue Rezoning) submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 4a, by changing from a C7 District to a C8-2 District property located at Block 5141, Lots 101, 102, and part of Lot 110, Borough of the Bronx, Council District 12, Community District 10.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 284) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB - 10****C 200088 ZMX**

City Planning Commission decision approving an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 4a, by changing from a C7 District to a C8-2 District property bounded by a line 175 feet northwesterly of Bartow Avenue, Asch Loop, Bartow Avenue and Baychester Avenue, Borough of the Bronx, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 23, 2019.

**PUBLIC HEARING****DATE:** February 12, 2020 (**NO PUBLIC HEARING HELD**)

By submission dated February 12, 2020 and submitted to the City Planning Commission and the City Council on February 12, 2020 the Applicant withdrew the application.

**SUBCOMMITTEE RECOMMENDATION****DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

## Res. No. 1273

**Resolution approving a motion to file pursuant to withdrawal of the application which was the subject of the decision of the City Planning Commission on ULURP No. C 200088 ZMX, a Zoning Map amendment (L.U. No. 636).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of City Planning (“Applicant”), filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4a, by changing the affected property from a C7 District to a C8-2 District, Borough of the Bronx, Community District 10 (ULURP No. C 200088 ZMX) (the “Application”);

**WHEREAS** the City Planning Commission filed with the Council on February 7, 2020, its decision dated February 5, 2020 (the “Decision”) on the Application;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter; and

**WHEREAS**, by submission dated February 12, 2020 and submitted to the City Planning Commission and the City Council on February 12, 2020 the Applicant withdrew the Application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, , Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin.*

Coupled to be Filed pursuant to a Letter of Withdrawal.

## Report of the Committee on Oversight and Investigations

Report for Int. No. 1440-A

### **Report of the Committee on Oversight and Investigations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation and the special commissioner of investigation to create web applications to track agency cooperation and compliance with investigations and recommendations.**

The Committee on Oversight and Investigations, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 485), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On February 27, 2020, the Committee on Oversight and Investigations, chaired by Council Member Ritchie Torres, held a vote on a bill designed to increase government accountability by requiring the Department of Investigation (“DOI”) and the Special Commissioner of Investigation for the New York City School District (“SCI”) to publicly track agency compliance with their investigations and recommendations: Introduction Number 1440-A (“Int. No. 1440-A”), A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation and the special commissioner of investigation to create web applications to track agency cooperation and compliance with investigations and recommendations. The Committee previously heard testimony on this bill from DOI. Feedback from DOI and SCI informed the bill’s amendments. At the vote on February 27, the Committee voted 9 in favor, 0 opposed and 0 abstentions on the bill.

#### **II. BACKGROUND**

After conducting an investigation into a City agency, DOI may issue reports on systemic deficiencies in City agencies, and make recommendations to address these vulnerabilities.<sup>1</sup> If in the course of their investigation DOI uncovers the need for systematic changes at a City agency, it may publish Policy and Procedure Recommendations (PPRs). The investigations and subsequent reports are overseen by DOI’s Inspectors General, who may issue PPRs to outline steps for agency improvement.<sup>2</sup> These Inspectors General also track whether agencies have agreed to implement any of the recommendations in the report the agency was issued, and whether the recommendations were implemented.<sup>3</sup> Nonetheless, DOI is not vested with the authority to compel City agencies to comply with their recommendations.<sup>4</sup>

<sup>1</sup> City of New York Department of Investigation, *Jurisdiction*, <https://www1.nyc.gov/site/doi/about/jurisdiction.page> (last accessed on February 20, 2020).

<sup>2</sup> City of New York Department of Investigation, *Units*, <https://www1.nyc.gov/site/doi/offices/inspector-general.page> (last accessed on February 20, 2020).

<sup>3</sup> New York City Global Partners, *Best Practice: Policy and Procedure Recommendation Program*, Updated May 2012, pg. 1, available at: [http://www.nyc.gov/html/ia/gprb/downloads/pdf/NYC\\_Policy%20and%20Procedure%20Recommendation%20Program.pdf](http://www.nyc.gov/html/ia/gprb/downloads/pdf/NYC_Policy%20and%20Procedure%20Recommendation%20Program.pdf); Journey, Ben. “Under the Hood at Agencies, Investigation Department Increases Policy Focus,” *Gotham Gazette*, December 2, 2016, available at: <https://www.gothamgazette.com/city/6648-under-the-hood-at-agencies-investigation-department-increases-policy-focus>.

<sup>4</sup> See Journey, *supra* note 3.

In many cases, DOI investigations and the subsequent issuance of PPRs are not made publically available. While DOI reportedly issued 2,538 PPRs in fiscal year 2018,<sup>5</sup> only 13 public reports describing these investigations have been posted on their website.<sup>6</sup> In addition to the content of many PPRs being handled in private, a City agency's decision to implement or decline DOI's recommendations is often not publicly announced.

Despite few instances for which City agencies' implementation efforts are publicly disclosed, DOI has been tracking overall City agency acceptance and implementation of PPRs since at least 2007. In Fiscal Year 2018, DOI disclosed that it issued 2,538 PPRs, with City agencies accepting 56% of the PPRs issued.<sup>7</sup> In fiscal year 2017, however, DOI issued closer to 500 PPRs, with City agencies accepting 74% of the recommendations received.<sup>8</sup> A lack of transparency in DOI's issuance of PPRs and agency acceptance of these recommendations makes it difficult to understand the cause of this discrepancy.

SCI, who has the authority to investigate misconduct within the New York City School District ("District"), does not publish many recommendations on how the District should address SCI's findings.<sup>9</sup> SCI also does not disclose in the Mayor's Management Report the amount of recommendations they issued or the percentage of recommendations accepted by the District each year.

In an effort to continue to address these issues, Int. No. 1440-A would improve public transparency of City agencies by requiring DOI and SCI to create web applications to track agency cooperation and compliance with investigations and recommendations.

### III. LEGISLATIVE ANALYSIS

This bill would require DOI and SCI to develop and maintain web applications providing information on City agencies' compliance with DOI's and SCI's investigatory recommendations. Each web application would contain information on: each recommendation sent to a City agency resulting from an investigation; whether that recommendation was accepted or rejected by the City agency; and if accepted, whether the City agency implemented the recommendation. DOI's web application would be required to contain information on recommendations issued on and after January 1, 2014. SCI's web application would be required to contain information on recommendations issued on and after the effective date of the local law. Both web applications would have to be made available online by July 1, 2020, and be updated and maintained thereafter.

The bill was amended after it was originally heard to specifically include SCI, but require that the SCI web application reside on SCI's website. It was also amended to require that the recommendations from DOI go back to January 1, 2014, changed the date for the web applications to go live from July 1, 2019 to July 1, 2020, and required the DOI and SCI websites to link to each other.

This bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1440-A:)**

<sup>5</sup> See NYC Mayor's Office of Operations, *Fiscal 2019 Mayor's Management Report*, September 2019, pg. 94, available at: [https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019\\_mmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf).

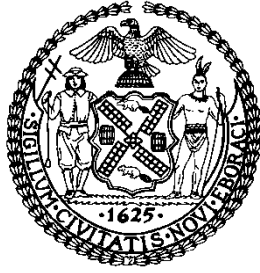
<sup>6</sup> See City of New York Department of Investigation, *DOI Reports: Public Reports*, <https://www1.nyc.gov/site/doi/newsroom/public-reports.page> (last accessed on February 20, 2020).

<sup>7</sup> See NYC Mayor's Office of Operations, *supra* note 5.

<sup>8</sup> *Id.*

<sup>9</sup> See The Special Commissioner for the New York City School District, *Reports*, <https://nycsci.org/reports/> (last accessed on February 20, 2020).





**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1440-A**  
**COMMITTEE:** Oversight and Investigations

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation and the special commissioner of investigation to create web applications to track agency cooperation and compliance with investigations and recommendations.

**Sponsors:** Council Members Torres, Cumbo, Brannan, Holden, Ayala, Louis, and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1440-A would require the Department of Investigation (DOI) and the Special Commissioner of Investigation for the New York City School District (SCI) to develop and maintain web applications providing information on City agencies' compliance with DOI's and SCI's investigatory recommendations. Each web application would contain information on: each recommendation sent to a City agency resulting from an investigation; whether that recommendation was accepted or rejected by the City agency; and if accepted, whether the City agency implemented the recommendation. Both web applications would have to be made available online by July 1, 2020.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that the legislation would not affect expenditures resulting from the enactment of Proposed Intro. No. 1440-A because the Department of Investigation and Special Commissioner of Investigation would utilize existing resources to fulfill the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** The Department of Investigation

**ESTIMATE PREPARED BY:** Jack Kern, Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Senior Counsel  
Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 13, 2019 as Intro. No. 1440 and was referred to the Committee on Oversight and Investigations (Committee). The Committee held a hearing on November 13, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1440-A, will be considered by the Committee at a hearing on February 27, 2020. Upon successful vote by the Committee, Proposed Intro. No. 1440-A will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 26, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1440-A:)**

Int. No. 1440-A

By Council Members Torres, Cumbo, Brannan, Holden, Ayala, Louis, Kallos and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation and the special commissioner of investigation to create web applications to track agency cooperation and compliance with investigations and recommendations**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new title 33 to read as follows:

*TITLE 33  
INVESTIGATIONS  
CHAPTER 1  
GENERAL PROVISIONS*

*§ 33-101 Definitions. As used in this title, the following terms have the following meanings:*

*Commissioner. The term “commissioner” means the commissioner of investigation.*

*Department. The term “department” means the department of investigation.*

*Investigation. The term “investigation” means any investigation made by the commissioner or by the special commissioner of investigation.*

*Recommendation. The term “recommendation” means any recommendation made by the department or by the special commissioner of investigation in the course of an investigation or as the result of an investigation.*

*Special commissioner of investigation. The term “special commissioner of investigation” means the person appointed pursuant to mayoral executive order 11 of 1990, as amended, or the person appointed to any successor position.*

*CHAPTER 2  
REPORTING*

*§ 33-201 Website and reporting. a. The commissioner and the special commissioner of investigation shall develop and maintain web applications on their respective websites for the purposes of tracking and assessing agency cooperation and compliance with investigations and recommendations. For each agency investigated, the web applications shall set forth:*

- 1. Any recommendation made to the agency, and any relevant context for the recommendation;*
- 2. Whether any such recommendation was accepted or rejected by the agency to which it was made; and*

3. For each recommendation accepted by an agency, whether such agency implemented the recommendation.

b. The web application required by this section to be developed by the commissioner shall include all recommendations issued on and after January 1, 2014. The web application required by this section to be developed by the special commissioner of investigation shall include all recommendations issued on and after the effective date of the local law that added this section. Both web applications shall be updated as necessary to reflect the current status of each agency's cooperation and compliance.

c. The web applications required by this section shall be made available to the public no later than July 1, 2020. When such web applications required by this section are available to the public, the web applications maintained by the commissioner and by the special commissioner of investigation shall include a link to each other.

§ 2. This local law takes effect immediately.

RITCHIE J. TORRES, *Chairperson*; BEN KALLOS, RORY I. LANCMAN, MARL TREYGER; RAFAEL SALAMANCA, Jr., DIANA AYALA, CARLINA RIVERA, KEITH POWERS, KALMAN YEGER; Committee on Oversight and Investigations, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## **Report of the Committee on Public Safety**

Report for Int. No. 1847-A

### **Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to individualized responses to violent hate crimes.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on January 8, 2020 (Minutes, page 15), respectfully

## **REPORTS:**

### **I. INTRODUCTION**

On February 25, 2020, the Committee on Public Safety, chaired by Council Member Donovan Richards, will vote on Proposed Introduction Number 1847-A ("Prop Int. No. 1847-A"), a local law to amend the New York City Charter, in relation to individualized responses to violent hate crimes. The Committee previously held an oversight hearing on preventing hate crimes in NYC on November 19, 2018, and heard Int. No. 1847 on February 10, 2020.

### **II. BACKGROUND**

In New York State, hate crimes are not defined as distinct penal law offenses. Instead, certain specified conduct that constitutes a penal law offense is designated a hate crime when the act is committed or the victim is selected because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion,

religious practice, age, disability or sexual orientation of a person.<sup>1</sup> A hate crime designation raises the level of the offense category, resulting in significantly higher potential jail sentence.<sup>2</sup> For example, a person who commits assault in the second degree because he believes the victim to be Jewish has committed assault in the second Degree as a hate crime. While assault in the second degree is normally classified as a D violent felony punishable by a maximum of 7 years in prison, assault in the second degree as a hate crime is a class C violent felony and is punishable by a maximum of 15 years in prison. The list of 39 felonies and 13 misdemeanors that can be charged as hate crimes is attached as Appendix A.

Offenses that are charged as hate crimes do not always result in hate crime convictions. Part of the difficulty in establishing that a crime is motivated by bias is that offensive or discriminatory language may be used in the course of a crime or dispute that leads to a crime, even if the actions or the dispute did not originate from a belief about the victim. Out of 400 hate crime arrests that resulted in convictions and were reported to the New York State Division of Criminal Justice Services from 2012-2016, 123 resulted in convictions for hate crimes and 277 resulted in convictions for non-hate crimes.<sup>3</sup>

Nevertheless, New York State Law deems crimes committed because of bias against members of the groups listed above as more serious in nature than other crimes, and there are thus important law enforcement interests in preventing these kinds of crimes. Similarly, the penal law contains provisions designating certain offenses as “violent”. A Judge has more discretion to impose a longer minimum sentence for a violent offense than a nonviolent offense of the same classification, and individuals with prior violent felony convictions are subject to higher mandatory minimum sentences for subsequent violent felonies.

### **III. FIRST AMENDMENT PROTECTION OF HATE SPEECH**

The constitutional protections of an individual’s right to voice his or her views, no matter how offensive or distasteful, are fundamental. However, they also limit the legal measures governments can utilize to prohibit hate speech. The U.S. Supreme Court has repeatedly upheld First Amendment protections in cases of offensive speech, even when that speech includes statements that are perceived as vague threats against certain groups of individuals. In 1969, the Court protected a Ku Klux Klan member’s hateful speech directed toward African Americans and set forth the principle that “constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action”.<sup>4</sup> In 1977, the Court upheld an appellate court decision allowing Neo-Nazis to march through Skokie, Illinois, a substantially Jewish town where Holocaust survivors lived.<sup>5</sup> In 1992, the Court overturned the conviction of a teenager convicted of burning a cross on the lawn of an African American family’s home.<sup>6</sup>

However, the First Amendment is not absolute. Speech that is likely to incite imminent violence is not protected, and conduct that is criminal is not made less criminal because the perpetrator expressed opinions that are otherwise protected under the First Amendment. One year after its decision overturning the conviction for cross burning in *R.A.V. v. City of St. Paul*, the Supreme Court upheld a Minnesota law similar to New York’s hate crime statute, which punishes hate crimes more harshly than comparable crimes that are not motivated by bias.<sup>7</sup> The Court ruled that even though hate speech on its own cannot be criminalized, society may deem crimes motivated by bias to be more damaging to victims and society than other offenses and worthy of more severe punishment.

### **IV. NYC RESPONSE TO HATE CRIMES**

Pursuant to Local Law 46 of 2019 and Local Law 47 of 2019, the Mayor’s Office established the Office for the Prevention of Hate Crimes<sup>8</sup>, which operates within the Mayor’s Office of Criminal Justice. OPHC is charged

<sup>1</sup> N.Y. Penal Law §§ 485.05, 485.15

<sup>2</sup> N.Y. Penal Law § 485.10

<sup>3</sup> <http://www.criminaljustice.ny.gov/crimnet/ojsa/hate-crime-in-nys-2016-annual-report.pdf>

<sup>4</sup> *Brandenburg v. Ohio*, 395 U.S. 444 (1969)

<sup>5</sup> *National Socialist Party of America v. Village of Skokie*, 432 U.S. 43 (1977)

<sup>6</sup> *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992)

<sup>7</sup> *Wisconsin v. Mitchell*, 508 U.S. 476 (1993)

<sup>8</sup> <https://criminaljustice.cityofnewyork.us/programs/ophc/>

with advising the mayor and coordinating between agencies that are involved in the prevention of and response to hate crimes, creating and implementing a coordinated system for the city's response to hate crimes, reporting to the Council and the public on the prevalence of hate crimes, and studying the effectiveness of safety plans in neighborhoods that are particularly vulnerable to hate crimes, among other duties.<sup>9</sup> OPHC coordinates the city's efforts through an interagency committee that includes the NYPD, the City Commission on Human Rights, the Mayor's Community Affairs Unit, the Department of Education, the Mayor's Office to End Domestic and Gender-Based Violence, the Mayor's Office of Immigrant Affairs, the Department of Health and Mental Hygiene, ThriveNYC, and the Department of Youth and Community Development.<sup>10</sup>

The NYPD's Hate Crime Task Force is a dedicated citywide team of investigators who are responsible for investigating all hate crimes and related incidents.<sup>11</sup> The Unit is part of the Special Victims Division.<sup>12</sup> Patrol Officers responding to the scene of crimes that may be the result of bias refer these cases to the Hate Crime Task Force. According to the Patrol Guide, the Commanding Officer of the Task Force then determines how an investigation of the incident should proceed.<sup>13</sup> The investigation may be conducted wholly by the Task Force or precinct detectives or may be a joint investigation between the two.<sup>14</sup> Pursuant to the guidelines in the Patrol Guide, officers investigating incidents of bias should include personal contact with the victims of the alleged bias incident.<sup>15</sup> Investigators must make a determination of whether the incident was in fact bias motivated and issue a report within 10 days.<sup>16</sup> Throughout this process, reports on the progress of the bias incident investigation are recorded on the following forms: Complaint Follow Up (PD313-081), Complaint Report (PD313-152), Complaint Report Worksheet (PD313-152A), and Unusual Occurrence Report (PD370-152).<sup>17</sup>

The Hate Crime Task Force is also required to compile reports on bias related incidents and use this data to conduct analyses designed to assist the Department and the City in coordinating an appropriate response to these incidents.

In January 2020, NYPD Commissioner Dermot Shea announced a new unit called, the Racially and Ethnically Motivated Extremism Unit. According to the NYPD, this unit is based within the NYPD intelligence division and seeks to prevent crimes based on extremism by, for example, investigating the activities of white supremacist groups.<sup>18</sup> According to John Miller, the Deputy Commissioner for Intelligence and Counterterrorism, "this new unit has about 25 NYPD personnel working side-by-side with members of the New Jersey, New York, and Pennsylvania state police and agents from federal Bureau of Alcohol, Tobacco, Firearms and Explosives. REME is specifically dedicated to investigating and stamping out violent bias crimes in and around the city before they occur by applying the same intelligence gathering techniques we use to thwart attacks by ISIS and al Qaeda and the lone wolves they inspire, and has already opened dozens of these investigations in the short time since it was formed."<sup>19</sup>

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<sup>9</sup> NYC Charter §20-G

<sup>10</sup> <https://criminaljustice.cityofnewyork.us/programs/ophc/>

<sup>11</sup> The Official Website of the New York City Police Department "Hate Crimes/Bias Incidents" available at <https://www1.nyc.gov/site/nypd/services/law-enforcement/hate-crimes.page>

<sup>12</sup> The Official Website of the New York City Police Department "Hate Crimes/Bias Incident" available at <https://www1.nyc.gov/site/nypd/services/law-enforcement/hate-crimes.page>

<sup>13</sup> See NYPD Patrol Guide "Bias Motivated Incidents" Section: Complaints Procedure No. 207-10 available at [https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations\\_pdf/pg207-10-bias-motivated-incidents.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg207-10-bias-motivated-incidents.pdf)

<sup>14</sup> See NYPD Patrol Guide "Bias Motivated Incidents" Section: Complaints Procedure No. 207-10 available at [https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations\\_pdf/pg207-10-bias-motivated-incidents.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg207-10-bias-motivated-incidents.pdf)

<sup>15</sup> See NYPD Patrol Guide "Bias Motivated Incidents" Section: Complaints Procedure No. 207-10 available at [https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations\\_pdf/pg207-10-bias-motivated-incidents.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg207-10-bias-motivated-incidents.pdf)

<sup>16</sup> See NYPD Patrol Guide "Bias Motivated Incidents" Section: Complaints Procedure No. 207-10 available at [https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations\\_pdf/pg207-10-bias-motivated-incidents.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg207-10-bias-motivated-incidents.pdf)

<sup>17</sup> See NYPD Patrol Guide "Bias Motivated Incidents" Section: Complaints Procedure No. 207-10 available at [https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations\\_pdf/pg207-10-bias-motivated-incidents.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg207-10-bias-motivated-incidents.pdf)

<sup>18</sup> Information provided to Council by the NYPD

<sup>19</sup> Testimony Before the U.S. House of Representatives Committee On Homeland Security, Subcommittee on Intelligence and Counterterrorism, Wednesday January 15, 2020, provided to Council by NYPD.

## V. RECENT HATE CRIME TRENDS

Several reports have shown a spike in hate crimes both nationally and locally. According to the Federal Bureau of Investigation's ("FBI") Uniform Crime Reporting Program, participating law enforcement agencies reported 7,120 hate crimes in 2018, a slight decrease from 7,175 in 2017.<sup>20</sup> The 2018 incidents encompassed 8,327 total offenses and involved 8,646 victims. The motivations behind these hate crimes are consistent with prior years.<sup>21</sup>

Of the 8,646 victims of hate crimes in 2018, 57.5% were targeted base on their race/ethnicity, 20.2% were victimized because of bias against religion, and 17% were targeted because of bias against their perceived sexuality.<sup>22</sup> Of the 4,954 reported racially bias hate crimes, 46.9% were motivated by anti-Black or African American bias. Similarly, of the 1,550 reported religious bias hate crimes, 57.8% were victims of crimes motivated by anti-Jewish bias.<sup>23</sup>

The NYPD is required to report hate crime complaints and arrests pursuant to Local Law 130 of 2016. The data shows that local trends mirror those at the national level. In 2019, 420 hate crimes were reported to the NYPD, an increase from 353 hate crimes in 2018. Of those 420 complaints, 133 arrests were made. 57% of reported hate crimes were motivated by anti-Jewish bias. Over the last 3 years, the number of anti-Jewish hate crime complaints has been consistently higher than all other bias motivations. In 2019, the second most reported hate crimes were motivated by anti-homosexuality bias, specifically of gay men.

## VI. RECENT NOTABLE INCIDENTS

The rise in hate crimes in New York City has had particular effects on certain communities, leading to growing fears and concerns about safety. These concerns have been further exacerbated by violent hate crimes that have occurred in Upstate New York and elsewhere around the country. In December 2019, man broke into the home of a Hasidic rabbi in Monsey, New York, stabbing and wounding five people as they celebrated Hanukkah.<sup>24</sup> Just weeks prior two men opened fire at a kosher supermarket in Jersey City, killing 4 people, including a police officer.<sup>25</sup> Thousands of people marched across the Brooklyn Bridge in a show of solidarity for New York's Jewish community, in wake of several anti-Semitic hate crimes. According to the Center for the Study of Hate and Extremism ("CSHE") at California State University, San Bernardino, reported anti-Semitic hate crimes in New York, Los Angeles, and Chicago are trending toward an 18-year peak.<sup>26</sup>

Several notable anti-Jewish hate crimes have been committed around the City. In June, the phrase "Synagogue of Satan" was spray painted on a wall outside a Jewish school in Staten Island.<sup>27</sup> The words "Hitler Is Coming" was written on a large interactive poster outside the Jewish Children's Museum in Brooklyn, whose mission is to build bridge between Jewish and non-Jewish children.<sup>28</sup> More recently, a woman was charged with federal hate crimes for slapping three orthodox Jewish women.<sup>29</sup>

<sup>20</sup> See "2018 Hate Crime Statistics – Incidents and Offenses" Federal Bureau of Investigations available at <https://ucr.fbi.gov/hate-crime/2018/topic-pages/incidents-and-offenses>

<sup>21</sup> See "2018 Hate Crime Statistics – Incidents and Offenses" Federal Bureau of Investigations available at <https://ucr.fbi.gov/hate-crime/2018/topic-pages/incidents-and-offenses>

<sup>22</sup> See "2018 Hate Crime Statistics – Incidents and Offenses" Federal Bureau of Investigations available at <https://ucr.fbi.gov/hate-crime/2018/topic-pages/incidents-and-offenses>

<sup>23</sup> See "2018 Hate Crime Statistics – Incidents and Offenses" Federal Bureau of Investigations available at <https://ucr.fbi.gov/hate-crime/2018/topic-pages/incidents-and-offenses>

<sup>24</sup> Liebson, Rebecca; Vigdor, Neil; Gold, Michael; Shapiro, Eliza "5 Wounded in Stabbing at Rabbi's Home in N.Y. Suburb" December 28, 2019 New York Times available at <https://www.nytimes.com/2019/12/28/nyregion/monsey-synagogue-stabbing-anti-semitic.html>

<sup>25</sup> Gold, Michael; Corasaniti, Nick; Rashbaum, William K "Jersey City Shooting Updates: 6 Killed, Including an Officer" New York Times December 10, 2019 available at <https://www.nytimes.com/2019/12/10/nyregion/jersey-city-shooter.html?module=inline>

<sup>26</sup> Hassan, Adeel "A Differetn Era: Anti-Semitic Crimes, and Efforts to Track Them, Climb" New York Times January 3, 2020 available at <https://www.nytimes.com/2020/01/03/us/anti-semitism-hate-crimes.html>

<sup>27</sup> Otterman, Sharon "Swatiskas and Burning Pride Flag: Hate Crimes Spike in N.Y." New York Times June 5, 2019 available at <https://www.nytimes.com/2019/06/05/nyregion/hate-crimes-rise-nyc.html>

<sup>28</sup>

<sup>29</sup> Gajan, Mahita "Woman Accused of Slapping 3 Jewish Women in New York City Charged With Federal Hate Crimes. Her Case Raises Questions for New York's Bail Reform Laws" TIME January 29, 2019 available at <https://time.com/5773696/tiffany-harris-charged-anti-semitic-attacks/>

While anti-Semitic hate crimes account for a significant share of reported hate crimes, similar crimes against protected identities have also been increasing. In June anti-Muslim sentiments were spray painted on a school and a bus shelter in Brooklyn.<sup>30</sup> At the beginning of Pride Month, which celebrates the LGBT community, two rainbow flags were set on fire outside Alibi Lounge in Harlem.<sup>31</sup> In September 2019, two people were verbally and physically attacked by a group of several men in Jackson Heights, Queens based on their sexual orientation.<sup>32</sup>

## **VII. ANALYSIS OF PROPOSED INT. NO. 1847-A**

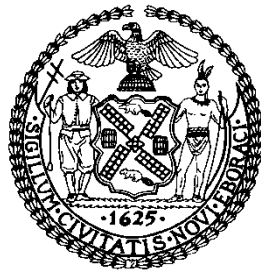
Proposed Introduction No. 1847-A would amend section 20-G of the New York City Charter, which requires the mayor to establish an office for the prevention of hate crimes. The bill would require the coordinated system for the city's response to hate crimes to make provision for an individualized response to all alleged violent hate crimes. It would also require the OPHC to provide relevant information to the affected community within 72 hours of a determination that a violent hate crime has occurred, including the administration's response to the alleged violent hate crime and the resources currently available to affected persons. The bill would also require the Coordinator to notify the mayor, Speaker, Public Advocate, and Council Member of the relevant district within 24 hours of a determination that a hate crime occurred.

## **VIII. AMENDMENTS TO PROPOSED INT. NO. 1847-A**

The bill has been amended since it was last heard. It now requires that the OPHC provide information to the affected community within 72 hours of a determination that a violent hate crime has occurred, instead of 24 hours. It also specifically includes the local community board as part of the relevant community.

In addition, the bill now requires OPHC, within 24 hours of a determination that a violent hate crime occurred, to notify the mayor, speaker of the council, public advocate, and council member of the relevant district that a violent hate crime occurred, the date and time the incident was reported, and the date and time the incident was referred to the hate crimes task force of the New York City Police Department.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1847-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1847-A  
COMMITTEE: Public Safety**

<sup>30</sup> "Man Sought in Anti-Graffiti Attacks on School in Brooklyn" NBC New York June 19, 2019 *available at* <https://www.nbcnewyork.com/news/local/brooklyn-anti-muslim-graffiti-hate-crime/1643180/>

<sup>31</sup> Otterman, Sharon "Swatiskas and Burning Pride Flag: Hate Crimes Spike in N.Y." New York Times June 5, 2019 *available at* <https://www.nytimes.com/2019/06/05/nyregion/hate-crimes-rise-nyc.html>

<sup>32</sup> "Anti-LGBT attack promotes outrage, concern in Jackson Heights" ABC News September 24, 2019 *available at* <https://abc7ny.com/5564718/>

**TITLE:** A Local Law to amend the New York city charter, in relation to individualized responses to violent hate crimes.

**Sponsor(s):** By Council Members Treyger, Rivera, Torres, Koslowitz, Brannan, Ayala, Richards, Kallos, Louis, and Chin.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1847 would require the Mayor's Office for the Prevention of Hate Crimes (OPHC) to provide individualized responses to alleged violent hate crimes. The bill would also require OPHC to provide information regarding the crime to the affected community within 72 hours. Finally, the bill would also require OPHC to notify the Mayor, the Speaker of the Council, the Public Advocate, and the district's Council Member within 24 hours of a determination that a violent hate crime has occurred.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net</b>	<b>0</b>	<b>0</b>	<b>0</b>

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agencies would utilize existing resources to fulfill its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on January 8, 2020 as Int. No. 1847, and referred to the Committee on Public Safety (Committee). The Committee heard the legislation on February 10, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1847-A, will be considered by the Committee on February 25, 2020. Upon a successful vote by the Committee, Proposed Int. No. 1847-A will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1847-A:)**



## Int. No. 1847-A

By Council Members Treyger, Rivera, Torres, Koslowitz, Brannan, Ayala, Richards, Kallos, Louis, Chin and Vallone.

**A Local Law to amend the New York city charter, in relation to individualized responses to violent hate crimes**

*Be it enacted by the Council as follows:*

Section 1. Section 20-g of the New York city charter, as amended by local law number 47 for the year 2019, is amended to read as follows:

§ 20-g. Office for the prevention of hate crimes. a. The mayor shall establish an office for the prevention of hate crimes. Such office may be established within any office of the mayor or as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a coordinator who shall be appointed by the mayor or the head of such department. For the purposes of this section only, “coordinator” shall mean the coordinator of the office for the prevention of hate crimes.

b. Powers and duties. The coordinator shall have the power and the duty to:

1. Advise and assist the mayor in planning and implementing [for] *the* coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in *the following*: [prevention] *preventing hate crimes, raising awareness of hate crimes,* [investigation and prosecution] *investigating and prosecuting hate crimes, and addressing the impact of hate crimes* on communities [of hate crimes.];

2. Create and implement a coordinated system for the city’s response to hate crimes. Such system shall, in conjunction with the New York city commission on human rights’ bias response teams, the police department[,], and any relevant agency or office, coordinate responses to hate crime allegations. *Such system shall make provision for an individualized response to all alleged violent hate crimes;*

3. Review the budget requests of all agencies for programs related to hate crimes[,], and recommend to the mayor budget priorities among such[.] *requests;*

4. Prepare and submit to the mayor and the council and post on the city’s website by [January 30] *March 1* of each year an annual report of the activities of the office *for the prevention of hate crimes*, [regarding] the prevalence of hate crimes during the previous calendar year and the availability of services to address the impact of these crimes. Such report shall include but need not be limited to the following information: (i) identification of areas or populations within the city that are particularly vulnerable to hate crimes, (ii) identification and assessment of the efficacy of counseling and resources for victims of hate crimes, [making] *and* recommendations for improvements of the same, (iii) collation of city, state and federal statistics on hate crime complaints and prosecutions within the city, including incidents by offense, bias motivation[,], and demographic characteristics such as age and gender of offenders, (iv) the populations [to which] the division of educational outreach [addressed] *engaged with*, (v) the types of programs created or provided by the division of educational outreach and the names of the providers of such programs[,], and (vi) any other outreach, education[,], and prevention efforts made by the division of educational outreach[.];

5. Study the effectiveness of, and make recommendations with respect to, the expansion of safety plans for neighborhoods and institutions that are particularly vulnerable to hate crimes[,], and the resources available for victims. This paragraph [shall] *does* not require the disclosure of material that would reveal non-routine investigative techniques or confidential information or [where] *when* disclosure could compromise the safety of the public or police officers or could otherwise compromise law enforcement investigations or operations[.];

6. Serve as liaison for the city with providers of victim services, community groups[,], and other relevant nongovernmental entities and assist in the coordination among such entities on reporting and responding to allegations of hate crimes[,], to ensure that [city residents] *affected persons* have access to relevant services after hate crime events[.];

7. *Provide relevant information to the affected community, including the local community board, within 72 hours of a determination that a violent hate crime has occurred. Such information shall include how the administration is responding to the alleged violent hate crime and the resources currently available to affected*

persons. This paragraph does not require the disclosure of confidential information or any material that could compromise the safety of the public or police officers or could otherwise compromise law enforcement investigations or operations;

8. Within 24 hours of a determination that a violent hate crime has occurred, notify the mayor, speaker of the council, public advocate and council member of the relevant district that such hate crime occurred, the date and time the incident was reported, and the date and time the incident was referred to the hate crimes task force of the New York City police department; and

[7.] 9. Perform other duties as the mayor may assign.

c. The coordinator shall establish a division of educational outreach. The division shall have the power and the duty to:

1. Ensure[, by such means as necessary, including coordination with relevant city agencies and interfaith organizations, community groups, and human rights and civil rights groups,] the provision of effective outreach and education on the impact and effects of hate crimes, including measures necessary to achieve greater tolerance and understanding, and including the use of law enforcement [where] when appropriate. Such outreach and education shall include coordination between relevant city agencies and interfaith organizations, community groups and human rights and civil rights groups;

2. Create a K-12 curriculum addressing issues related to hate crimes[, in consultation with the department of education[.]; and

3. Perform other duties as the mayor may assign.

§ 2. This local law takes effect immediately.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, CHAIM M. DEUTSCH, RORY I; LANCMAN, CARLOS MENCHACA, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, February 25, 2019.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## **Report of the Committee on Rules, Privileges and Elections**

Report for M-217

### **Report of the Committee on Rules, Privileges and Elections in favor of approving an appointment of Nisha Agarwal as a member of the New York City Conflicts of Interest Board.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on February 11, 2020 (Minutes, page 161) and which same Mayor's Message was coupled with the resolution shown below, respectfully

#### **REPORTS:**

*New York City Conflicts of Interest Board (Candidates for appointment by the Mayor, with the advice and consent of the City Council)*

- **Nisha Agarwal [M-217]**
- **Wayne Hawley [M-218]**

COIB promulgates rules as necessary to implement and interpret the provisions of Chapter 68 of the New York City Charter, Conflicts of Interest (Chapter 68). COIB is required to inform the public servants and City

employees of Chapter 68 and other related interpretive rules. COIB is furthermore required to administer an on-going program to educate public servants on Chapter 68.

COIB shall also provide training to all individuals who become public servants, to inform them of Chapter 68 and assist City agencies in conducting on-going training programs regarding Chapter 68.

COIB is also authorized to hear and decide violations of Chapter 68, impose fines of up to \$25,000 per violation and recommend penalties, including suspensions or removal from office, to the appointing authority or the body charged with the responsibility of imposing such penalties, where COIB deems it appropriate.

COIB is moreover required to issue and publish advisory opinions regarding matters covered under Chapter 68 that address proposed future conduct. COIB is furthermore required to issue report of the board, annually. COIB's mandate covers the Council as well as mayoral agency employees. COIB also collects and reviews financial disclosure reports.<sup>1</sup>

COIB consists of five members who are appointed by the mayor, with the advice and consent of the City Council.<sup>2</sup> The mayor must also designate one of these members as the Chair. COIB members serve a six (6) year term. COIB members are prohibited from serving more than two consecutive six-year terms.<sup>3</sup> Two members of COIB constitute a quorum and all actions of COIB must be by the affirmative vote of at least two members.<sup>4</sup>

COIB members are mandated to meet at least once per month. The *Charter* states that these members should be chosen for their "independence, integrity, civic commitment and high ethical standards. Members are prohibited from holding public office, seeking election to any public office, being a public employee in any jurisdiction, holding political party office, or appearing as a lobbyist before the city."<sup>5</sup>

COIB members are compensated on a per diem basis, for each calendar day, when performing work for COIB. Pursuant to Chapter 68, the compensation shall be no less than the highest amount paid to an official appointed to a board or commission, with the advice and consent of the Council.

The mayor has the authority to remove COIB members for substantial neglect of duty, gross misconduct of office, inability to discharge powers or duties of the office or violation of this section, following written notice of such removal and an opportunity for the member to reply.<sup>6</sup>

Pursuant to the *Charter*, COIB is authorized to appoint a Counsel to serve at its pleasure and employ or retain other such officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the Counsel may be defined in writing, provided that neither the Counsel, nor any other officer, employee or consultant of COIB, shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations concerning violations of Chapter 68 of the *Charter*, or recommend or impose penalties. Also, COIB may, and has, delegated its authority to issue advisory opinions under *Charter* § 2604(e) to its Chair [*Charter* § 2602(g), and as per COIB's Executive Director].

Ms. Agarwal is scheduled to appear before the Council's Committee on Rules, Privileges and Elections on Tuesday, February 25. If appointed, Ms. Agarwal will replace Ms. Erika Thomas-Yuille and serve the remainder of a six-year term that expires on March 31, 2022.

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<sup>1</sup> *Charter* §§ 2602 and 2603.

<sup>2</sup> At present, COIB's members include: Richard Briffault (Chair), Fernando Bohorquez, Jr., Anthony Crowell, Jeffrey D. Friedlander, and Erika Thomas-Yuille.

<sup>3</sup> *Charter* § 2602(c).

<sup>4</sup> *Charter* § 2602 (h)

<sup>5</sup> *Charter* § 2602(b).

<sup>6</sup> *Charter* § 2602(f).

Mr. Hawley is scheduled to appear before the Council's Committee on Rules, Privileges and Elections on Tuesday, February 25. If appointed, Mr. Hawley will succeed Richard Briffault and be eligible to serve a six-year term that begins on April 1, 2020 expires on March 31, 2026.

Copies of the candidates' résumés and the reports/resolutions message notice are annexed to this briefing paper.

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee **Wayne Hawley [M-218]**, please see the Report of the Committee on Rules, Privileges and Elections for M-218; for nominee **Nisha Agarwal [M-217]**, please see immediately below:)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 2602 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Nisha Agarwal as a member of the New York City Conflicts of Interest Board to serve the remainder of a six-year term that will expire on March 31, 2022.

This matter was referred to the Committee on February 11, 2020.

In connection herewith, Council Member Koslowitz offered the following resolution:

Res. No. 1274

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF NISHA AGARWAL AS A MEMBER OF THE NEW YORK CITY CONFLICTS OF INTEREST BOARD.**

By Council Member Koslowitz.

**RESOLVED**, that pursuant to § 2602 of the *New York City Charter*, the Council does hereby approve the appointment of Nisha Agarwal by the Mayor as a member of the New York City Conflicts of Interest Board to serve for the remainder of a six-year term that will expire on March 31, 2022.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report for M-218

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Wayne Hawley as a member of the New York City Conflicts of Interest Board.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor's Message was referred on February 11, 2020 (Minutes, page 162) and which same Mayor's Message was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-217, printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to pursuant to § 2602 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Wayne Hawley as a member of the New York City Conflicts of Interest Board to serve for a six-year term that will begin on April 1, 2020 and expires on March 31, 2026.

This matter was referred to the Committee on February 11, 2020.

In connection herewith, Council Member Koslowitz offered the following resolution:

Res. No. 1275

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF WAYNE HAWLEY AS A MEMBER OF THE NEW YORK CITY CONFLICTS OF INTEREST BOARD.**

By Council Member Koslowitz.

**RESOLVED**, that pursuant to § 2602 of the *New York City Charter*, the Council does hereby approve the appointment of Wayne Hawley by the Mayor as a member of the New York City Conflicts of Interest Board to serve for a six-year term that will begin on April 1, 2020 and expires on March 31, 2026.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, February 27, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report of the Committee on Women and Gender Equity

Report for Int. No. 1536-A

### **Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on efforts to prevent and address sex- and gender-based discrimination and harassment.**

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1540), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On February 25, 2020, the Committee on Women and Gender Equity, chaired by Council Member Helen K. Rosenthal, will hold a hearing to consider Proposed Introduction No. 1536-A, sponsored by Council Member Rosenthal, which would require the New York City (NYC) Commission on Gender Equity (“CGE” or “Commission”) to expand reporting on sex- and gender-based discrimination and harassment. This legislation was originally heard at a hearing of this Committee on April 30, 2019, at which the Committee received testimony from representatives of the CGE, the NYC Department of Education (DOE), the City University of New York, advocacy groups, and organizations focused on students and gender equity, and other interested stakeholders.

##### **II. BACKGROUND**

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance.<sup>1</sup> Under Title IX, “[n]o person in the United States [(U.S.)] shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination” under any entity covered by the law.<sup>2</sup> That is, if any part of a school district or institution of higher education receives any federal funds for any purpose, including assistance through the federal student loan and grant programs, all of the operations of the entity are covered by Title IX.<sup>3</sup>

Guidance from the U.S. Department of Education (U.S. DOE) Office for Civil Rights asserts that Title IX “protects students, employees, applicants for admission and employment and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.”<sup>4</sup> Accordingly, all individuals—regardless of sex, sexual orientation, gender identity, disability, race, national origin, or part- or full-time status—at covered entity are protected by Title IX in all spaces of the institution’s educational programs and activities.<sup>5</sup> Additionally, under Title IX, covered entities are obligated to designate at least one employee, who is generally referred to as the Title IX

<sup>1</sup> See 20 USC §§ 1681-1688; U.S. Department of Justice, OVERVIEW OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, 20 U.S.C. A§ 1681 ET. SEQ. (Aug. 7, 2015), available at <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>.

<sup>2</sup> U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Title IX, Education Amendments of 1972 (n.d.), available at <https://www.dol.gov/oasam/regs/statutes/titleix.htm>.

<sup>3</sup> U.S. Department of Education, Office for Civil Rights, Sex Discrimination: Frequently Asked Questions (Sept. 25, 2018), available at <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html>.

<sup>4</sup> U.S. Department of Education, Office for Civil Rights, *Title IX Resource Guide* (April 2015), 1, available at <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>.

<sup>5</sup> *Id.*

coordinator, to coordinate efforts to comply with and carry out their responsibilities under Title IX.<sup>6</sup> Such employee’s contact information must be provided to all students and employees of that institution.<sup>7</sup>

U.S. Supreme Court decisions and guidance from the Office for Civil Rights have interpreted Title IX’s prohibition to include “sex-based harassment,” which refers to sexual harassment, sexual violence and gender-based violence “by peers, employees or third parties that is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the recipient’s education programs and activities.”<sup>8</sup> Sexual harassment refers to unwelcome conduct of a sexual nature, which can include unwelcome sexual advances; requests for sexual favors; as well as other verbal, nonverbal, or physical conduct of a sexual nature.<sup>9</sup> Sexual violence refers to a form of sexual harassment, more specifically, physical sexual acts perpetrated against an individual’s will or where an individual is incapable of consent, such as due to an individual’s age, being under the influence of drugs or alcohol, or because an intellectual or other disability prevents an individual from having the capacity to consent.<sup>10</sup> Gender-based harassment refers to unwelcome conduct based on an individual’s actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes.<sup>11</sup>

Pursuant to Title IX, when a recipient institution—which includes both elementary and secondary schools and institutions of higher education in NYC—is made aware of, or “reasonably should know of,” possible sex-based harassment, it must take immediate and appropriate action to investigate, or otherwise determine what occurred.<sup>12</sup> If an investigation reveals that sex-based harassment has occurred, the school must take immediate and effective steps to end the harassment; put an end to the hostile environment; prevent the harassment from recurring; and, as appropriate, remedy its effects.<sup>13</sup>

### III. PROPOSED INT. NO. 1536-A

Section one of Proposed Int. No. 1536-A would require that CGE include information about sex- and gender-based discrimination, including conduct prohibited by Title IX, in its annual report. The legislation would also change the due date for CGE’s annual report from December 1<sup>st</sup> to April 1<sup>st</sup> each year. Section one would additionally require CGE to post links to publicly reported data from city agencies, including but not limited to DOE, relating to sex- and gender-based discrimination and harassment. Finally, the legislation would also revise the language of CGE’s mission to reflect a broader view of gender and more accurately reflect the scope of CGE’s work.

Section two of Proposed Int. No. 1536-A would require DOE to annually report on resources, support, policies and procedures related to preventing and addressing sex- and gender-based discrimination and harassment, including Title IX. It would also require that DOE report on its internal structure, including contact information and job titles, for central and borough employees whose work relates to sex- and gender-based discrimination and harassment.

This legislation would take effect immediately.

Since introduction, Proposed Int. No. 1536-A was amended to clarify the reporting required by CGE and the due date for that report. The legislation was also amended to broaden the description of gender and better reflect the scope of CGE’s mission. It was also amended to add an annual reporting requirement for DOE with regard to the resources, support, procedures and policies in place to prevent and address sex- and gender-based discrimination and harassment. It was also amended to require that DOE provide information on its organizational structure, including job titles and contact information, for central and borough employees whose work is related to preventing and addressing sex- and gender-based discrimination and harassment.

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<sup>6</sup> 34 C.F.R. § 106.8(a). *Note:* Though Title IX applies to any recipient that offers education programs or activities, this Committee Report is focused on Title IX compliance by local educational agencies, schools, colleges and universities.

<sup>7</sup> *Supra* note 4.

<sup>8</sup> *Supra* note 4 at 15.

<sup>9</sup> *Id.*

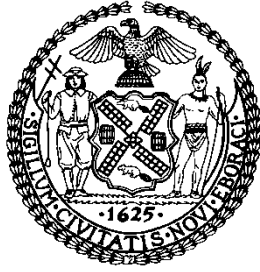
<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 1536-A:)



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1536-A  
COMMITTEE: Women and Gender Equity**

**TITLE:** To amend the administrative code of the city of New York, in relation to reporting on efforts to prevent and address sex- and gender-based discrimination and harassment.

**Sponsors:** Council Members Rosenthal, Kallos, Treyger, Richards, Levin, Chin, Levine, Gibson, Cornegy, Barron, Lander, Ampry-Samuel, Adams, Rose, Cumbo, Louis, Ayala, Koslowitz and Rivera.

**SUMMARY OF LEGISLATION:** This bill would require the Commission on Gender Equity (CGE) to expand its study of inequities to include the experiences of transgender, intersex, gender non-conforming, and non-binary individuals. This bill would also require the CGE to include in its annual report recommendations for agencies, including, but not limited to, the Department of Education (DOE), for preventing and improving responses to sex- and gender-based discrimination and harassment and also to each year post links to publicly reported data from various city agencies related to sex- and gender-based discrimination and harassment. Finally, this bill would also require DOE to report annually on its resources, support, policies and procedures related to preventing and addressing sex- and gender-based discrimination and harassment, as well as a description of the organizational structure and employees whose work relates to these issues, in total and disaggregated by borough.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of this legislation because the relevant City agencies would utilize existing resources to fulfill its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A



**SOURCE OF INFORMATION:** City Council Finance Division  
Commission on Gender Equity  
Department of Education

**ESTIMATE PREPARED BY:** Monica Pepple, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 18, 2019, as Intro. No. 1536 and was referred to the Committee on Women and Gender Equity. A hearing was held by the Committee on Women and Gender Equity, jointly with the Committee on Education and the Committee on Higher Education on April 30, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1536-A will be considered by the Committee on Women and Gender Equity at a hearing on February 25, 2020. Upon a successful vote by the Committee on Women and Gender Equity, Proposed Intro. No. 1536-A will be submitted to the full Council for a vote on February 27, 2020.

**DATE PREPARED:** February 20, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1536-A:)**

Int. No. 1536-A

By Council Members Rosenthal, Kallos, Treyger, Richards, Levin, Chin, Levine, Gibson, Cornegy, Barron, Lander, Ampry-Samuel, Adams, Rose, Cumbo, Louis, Ayala, Koslowitz and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on efforts to prevent and address sex- and gender-based discrimination and harassment**

*Be it enacted by the Council as follows:*

Section 1. Section 20-b of Chapter 1 of the New York city charter is amended to read as follows:

§ 20-b. Commission on gender equity. a. There shall be a commission on gender equity to study the nature and extent of inequities facing women[ and], girls, *transgender, intersex, gender non-conforming and non-binary individuals* in the city; to study [their]*the impact of such inequities* on the economic, civic[,] and social well-being of women[ and], girls, *transgender, intersex, gender non-conforming and non-binary individuals*; to advise on ways to analyze the function and composition of city agencies through a gender-based lens and ways to develop equitable recruitment strategies; and to make recommendations to the mayor and the council for the reduction of gender-based inequality. Such commission shall consist of 26 members appointed by the mayor; [5]*five* members appointed by the speaker of the council; and the chair of the commission on human rights, who shall serve as an ex officio member. Members of the commission shall be representative of the [New York city] *population of the city of New York* and shall have experience in advocating for issues important to women[ and], girls, *transgender, intersex, gender non-conforming and non-binary individuals*. The mayor shall designate one member to serve as chair of the commission, and may also designate a member to serve as co-chair. Members shall serve at the pleasure of the appointing authority. In the event of the death or resignation of any member,

[his or her]a successor shall be appointed by the official who appointed such member. The mayor shall appoint an executive director for the commission.

b. The commission shall have the power and duty to:

1. [hold] *Hold* at least one meeting every four months, including at least one annual meeting open to the public;
2. [keep] *Keep* a record of its activities;
3. [determine] *Determine* its own rules of procedure; and
4. [perform] *Perform* such advisory duties and functions as may be necessary to achieve its purposes as described in subdivision a of this section.

c. The commission may request information from any city agency or office it deems necessary to enable the commission to properly carry out its functions. The commission may also request from any private organization providing services to women[ and], girls, *transgender, intersex, gender non-conforming and non-binary individuals* in the city pursuant to a contract with a city agency or office, information necessary to enable the commission to properly carry out its functions.

d. No later than December 1, 2017 and annually by [December] *April* 1 thereafter, the commission shall submit to the mayor and the speaker of the council *and post online* a report concerning its activities during the previous [twelve] *12* months, the goals for the following year[,], and recommendations pursuant to subdivision a of this section. *No later than April 1, 2021, and annually thereafter, such report shall also include any recommendations the commission shall have for agencies, including, but not limited to, the department of education, for preventing and improving responses to sex- and gender-based discrimination and harassment, including, but not limited to, discrimination and harassment prohibited by section 1681 of title 20 of the United States code, or title ix of the education amendments of 1972. No later than April 1, 2021, and annually thereafter, the commission shall also post online links to data publicly reported by agencies, including, but not limited to, the department of education, relating to sex- and gender-based discrimination and harassment.*

§ 2. Chapter 18 of title 21-A of the administrative code of the city of New York is amended by adding a new section 21-981.2 to read as follows:

§ 21-981.2 *Reporting on efforts to prevent and address sex- and gender-based discrimination and harassment. a. Definitions. For the purposes of this section, the term “school” means a school of the city school district of the city of New York serving students in elementary, middle or high school, or any combination thereof.*

*b. No later than November 30, 2020, and annually by November 30 thereafter, the department shall submit to the mayor, the speaker of the council, the commission on gender equity and post online a report for the preceding school year regarding efforts to prevent or address sex- and gender-based discrimination and harassment, including discrimination and harassment prohibited by section 1681 of title 20 of the United States code, or title ix of the education amendments of 1972. Such report shall include, but need not be limited to, the following information:*

*1. A description of resources and support provided by the department to schools related to preventing and addressing sex- and gender-based discrimination and harassment, including relevant training;*

*2. A description of the department’s policies and procedures for preventing and addressing sex- and gender-based discrimination and harassment and for investigating allegations of sex- and gender-based discrimination and harassment; and*

*3. A description of the department’s organizational structure, including but not limited to, job titles and contact information, for central and borough employees whose work is related to preventing and addressing sex- and gender-based discrimination and harassment, in total and disaggregated by borough.*

*c. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of personal information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 3. This local law takes effect immediately.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, BEN KALLOS, DIANA AYALA; Committee on Women and Gender Equity, February 25, 2020.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## **GENERAL ORDER CALENDAR**

Report for L.U. No. 614

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190438 ZMK (2513-2523 Avenue O Rezoning) submitted by Pulmonary and Sleep Medical, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R2 District to an R3-2 District property bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, Borough of Brooklyn, Council District 48, Community District 14.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 278) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 14**

**C 190438 ZMK**

City Planning Commission decision approving an application submitted by Pulmonary and Sleep Medical, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R2 District to an R3-2 District property bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated August 26, 2019 and subject to the conditions of CEQR Declaration E-541.

#### **INTENT**

To approve the amendment to the Zoning Map, Section No. 23b, to change an R2 zoning district to an R3-2 zoning district along a portion of the northern side of Avenue O located at 2513-2523 Avenue O (Block 7679, Lot 1, 2, 3, 4), to facilitate the continued use of an existing non-complying medical office use on lots 1 and 2 in the Midwood neighborhood of Brooklyn, Community District 14.

**PUBLIC HEARING****DATE:** January 30, 2020**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 12, 2020

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik Rivera.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** February 13, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Barron, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Moya.

**Against:**

None

**Abstain:**

None.

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated February 18, 2020, with the Council on February 21, 2020, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter

. In connection herewith, Council Members Salamanca and Moya offered the following resolution:

## Res. No. 1276

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190438 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 614).**

By Council Members Salamanca and Moya.

**WHEREAS**, Pulmonary and Sleep Medical, P.C., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R2 District to an R3-2 District, Borough of Brooklyn, Community District 14 (ULURP No. C 190438 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on January 24, 2020, its decision dated January 22, 2020 (the "Decision") on the Application;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 30, 2020;

**WHEREAS**, the Council has considered the land use and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued August 23<sup>rd</sup>, 2019 (CEQR No. 19DCP015K) which include an (E) designation related to air quality and noise that has been assigned to the project area in connection with the proposed action (the "E" Designation (E-541)).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-541) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the environmental determination and consideration described in the report, C 190438 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 18a, by changing an R2 district to a ~~R3-2~~ R3-1 district bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, as shown on a diagram (for illustrative purposes only) dated August 26, 2019 and subject to the conditions of CEQR Declaration E-541, Borough of Brooklyn, Community District 14.

FRANCISCO P. MOYA, *Acting Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, Committee on Land Use, February 13, 2020. *Other Council Members Attending: Council Member Chin*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

### **Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

#### *Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Julia Pagnamenta	300 E 93rd Street, Apt 43A New York, New York 10128	5
Julia Pagnamenta	300 E 93rd Street, Apt 43A New York, New York 10128	7
Madeleine Ayer	200 Claremont Ave, #34 New York, New York 10027	13
Ramon Tavarez	1363 Hobart Ave Bronx, New York 10461	14
Ana Rodriguez	2534 Grand Avenue Bronx, New York 10468	17
Alicia Davis	584 E 163rd Street, Apt 5A Bronx, New York 10456	17
Robert L. Delgado-Lainez	727 Coster St., #3G Bronx, New York 10474	18
Jasmine D. Santiago	1501 Metropolitan Ave, Apt. 11G Bronx, New York 10462	19

Eric Meyer	1716 Parsons Blvd Queens, New York 11357	22
Maximilian Miller	23-75 Crescent St, 2nd Fl Long Island City, New York 11105	26
Darcell Reese	34-35 12th Street Queens, New York 11106	31
Josephine Iwelu	2029 Seagirt Blvd, Apt 5C Queens, New York 11691	31
Dawn Brown	1551 Park Place, Apt 3B Brooklyn, New York 11213	36
Deletrice Griffin	805 St. Marks Ave, #D4C Brooklyn, New York 11213	36
Lynn Grajales	1660 Fulton St, #500 Brooklyn, New York 11213	36
Yolanda Brown	141 Utica Ave, #2R Brooklyn, New York 11213	36
David Quesada	153 68th Street Brooklyn, New York 11220	43
Danielle Martin	1369 E 105th Street Brooklyn, New York 11236	46
Iryna Voskov	69 Bay 29th St, 6F Brooklyn, New York 11214	47
Takiyah Alexis Barrett	2326 W 8th Street, Apt 6H Brooklyn, New York 11223	47
Symone Lewis	2129 E 16th Street, #4 Brooklyn, New York 11229	48
Margaret Gerges	501 Willow Rd E, #1 Staten Island, New York 10314	50
Rebecca Delvecchio	617 Marcy Ave Staten Island, New York 10309	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Arleen Hernandez	3512 Oxford Avenue #4C Bronx, New York 10463	11
Catherine Ziegler 5	1115 Quincy Avenue Bronx, New York 1046	13
Cynthia Gonzalez	1718 Garfield Street Bronx, New York 10460	15
Mai Xuan Huynh	142-05 Roosevelt Avenue #210 Flushing, New York 11345	20
Margaret Royal	23-37 38th Street Astoria, New York 11105	22
Sue Ellen Doria	65-09 77th Place Queens, New York 11379	30
Ruth M. Fulcher Benjamin	475 Carlton Avenue #12F Brooklyn, New York 11238	35
William Mathews	326A Greene Avenue Brooklyn, New York 11238	35
Stan Charles	873 Liberty Avenue Brooklyn, New York 11208	37
Anna S. Nevarez	75 Bush Street #16 Brooklyn, New York 11231	38
Petimat Sultakhabova	1215 Avenue M #5A Brooklyn, New York 11230	44
Lucia Acevedo	2842 West 25th Street Brooklyn, New York 11224	47
Miriam Gonzalez	2844 West 22nd Street Brooklyn, New York 11224	47
Barbra S. Fischetti	24 Blue Heron Court Staten Island, New York 10312	51

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).



**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- |      |                               |   |
|------|-------------------------------|---|
| (1)  | <b>M 217 &amp; Res 1274 -</b> | <b>Nisha Agarwal</b> for appointment as a member of the New York City Conflicts of Interest Board.                                  |
| (2)  | <b>M 218 &amp; Res 1275 -</b> | <b>Wayne Hawley</b> for appointment as a member of the New York City Conflicts of Interest Board.                                   |
| (3)  | <b>M 225 &amp; Res 1261 -</b> | The Operating Budget of the Council.  |
| (4)  | <b>M 226 &amp; Res 1262 -</b> | Schedule detailing the lump sum OTPS Unit of Appropriation of the Operating Budget of the Council.                                  |
| (5)  | <b>M 227 &amp; Res 1263 -</b> | Transfer City funds between various agencies in Fiscal Year 2020 to implement changes to the City's expense budget ( <b>MN-3</b> ). |
| (6)  | <b>M-228 &amp; Res 1264 -</b> | Appropriation of new City revenues in Fiscal Year 2020, pursuant to Section 107(e) of the New York City Charter ( <b>MN-4</b> ).    |
| (7)  | <b>Int 245-B -</b>            | Exemptions from the sale of tax liens.  |
| (8)  | <b>Int 1440-A -</b>           | Create web applications to track agency cooperation and compliance with investigations and recommendations.                         |
| (9)  | <b>Int 1451-A -</b>           | Creation of a task force regarding a museum about New York city's African-American civil rights history.                            |
| (10) | <b>Int 1536-A -</b>           | Reporting on efforts to prevent and address sex- and gender-based discrimination and harassment.                                    |
| (11) | <b>Int 1652-A -</b>           | Ensuring that community gardens are classified as open space, outdoor recreation, a community garden.                               |
| (12) | <b>Int 1654-A -</b>           | Neighborhood awareness campaigns regarding farm-to-city projects.   |

- (13) **Int 1816-A -** Conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction.
- (14) **Int 1847-A -** Individualized responses to violent hate crimes.
- (15) **Res 1258 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (16) **L.U. 606 & Res 1265 -** App. C **200061(A) ZSM** (GO Broome Street Development) Manhattan, Council District 1, Community District 3.
- (17) **L.U. 607 & Res 1266 -** App. C **200064 ZMM** (GO Broome Street Development) Manhattan, Council District 1, Community District 3.
- (18) **L.U. 608 & Res 1267 -** App. N **200065 ZRM** (GO Broome Street Development) Manhattan, Council District 1, Community District 3.
- (19) **L.U. 609 & Res 1268 -** App. C **190265 ZSM** (503 BROADWAY) Manhattan, Council District 1, Community District 2.
- (20) **L.U. 610 & Res 1269 -** App. C **190508 MMX** (Bridge Park South Mapping) Bronx, Council District 16, Community District 4.
- (21) **L.U. 614 & Res 1276 -** App. C **190438 ZMK** (2513-2523 Avenue O Rezoning) Brooklyn, Council District 48, Community District 14.
- (22) **L.U. 615 & Res 1270 -** App. **20205150 SCK** (322-Seat Primary School Facility) Brooklyn, Council District 43, Community School District 20.
- (23) **L.U. 624 & Res 1271 -** App. **20205180 TCM** (Bluestone Lane) Manhattan Council District 6, Community District 7.  
**(Coupled to be Filed pursuant to a Letter of Withdrawal)**

- (24) **L.U. 625 & Res 1272 -** App. **20205106 TCM** (Trattoria Dell'Arte) Manhattan, Council District 4, Community District 5.
- (25) **L.U. 636 & Res 1273 -** App. **C 200088 ZMX** (C7 Baychester Avenue Rezoning) Bronx, Council District 12, Community District 10.  
**(Coupled to be Filed pursuant to a Letter of Withdrawal)**
- (26) **Resolution approving various persons Commissioners of Deeds.**

The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

**The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Preconsidered M 225 & Res 1261 and Preconsidered M 226 & Res 1262:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

**Negative** – Yeger – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 245-B, 1440-A, 1451-A, 1536-A, 1652-A, 1654-A, 1816-A, and 1847-A.*

## RESOLUTIONS

*Presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

Report for voice-vote item Res. No. 335-A

**Report of the Committee on Health in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass and fully fund, and the Governor to sign, A.6493/S.2281, legislation that would establish eight demonstration programs throughout New York State and one coordinating center to improve the care of sickle cell disease patients and educate about sickle cell trait.**

The Committee on Health, to which the annexed amended resolution was referred on May 9, 2018 (Minutes, page 1812), respectfully

### REPORTS:

#### I. INTRODUCTION

On February 26, 2020, the Committee on Health, chaired by Council Member Levine, will hold a hearing on Resolution No. 335-A, calling upon the New York State Legislature to pass and fully fund, and the Governor to sign, A.6493/S.2281, legislation that would establish eight demonstration programs throughout New York State and one coordinating center to improve the care of sickle cell disease patients and educate about sickle cell trait, and Resolution No. 980, a resolution declaring June 19 Sickle Cell Awareness Day in the City of New York. These resolutions were originally heard at a hearing of this Committee on September 9, 2019, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), advocacy groups, and other concerned members of the public.

#### BACKGROUND

##### *Sickle Cell Disease*

Sickle Cell Disease (SCD) occurs when a person has two copies of a gene that cause the blood cells to be inflexible, sticky, and crescent or sickle shaped.<sup>1</sup> The blood frequently gets stuck when trying to flow through blood vessels, causing intense pain and other serious problems, like anemia and stroke.<sup>2</sup> When a person only has one copy of the gene, they have Sickle Cell Trait (SCT).<sup>3</sup> Most individuals with SCT are healthy, yet, in rare instances, some people with SCT will experience pain.<sup>4</sup> When two people with SCT have children, each one of their children has a 25 percent chance of having SCD and a 50 percent chance of having SCT.<sup>5</sup>

In the United States, SCD is the most common inherited blood disorder.<sup>6</sup> About 100,000 people in the U.S. are living with SCD, approximately 10 percent of which live in New York City.<sup>7</sup> SCD is most common in individuals who have ancestors from Sub-Saharan Africa, South America, the Caribbean, Central America, the

<sup>1</sup> *What is Sickle Cell Disease?*, CDC, August 9, 2017, available at <https://www.cdc.gov/ncbddd/sicklecell/facts.html>

<sup>2</sup> *Id.*

<sup>3</sup> *What is Sickle Cell Trait?*, CDC, August 9, 2017, available at <https://www.cdc.gov/ncbddd/sicklecell/traits.html>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *The FDA Encourages New Treatment for Sickle Cell Disease*, FDA, June 6, 2018, available at

<https://www.fda.gov/consumers/consumer-updates/fda-encourages-new-treatments-sickle-cell-disease>

<sup>7</sup> B. Hosfelt, *NY Support Lags for Sickle-cell Patients Facing Pain, Poor Treatment, Discrimination*, City Limits, February 1, 2019, available at <https://citylimits.org/2019/02/01/ny-support-lags-for-sickle-cell-patients-facing-pain-poor-treatment-discrimination/>

Middle East, and the Mediterranean.<sup>8</sup> SCD occurs in one out of every 365 Black or African American births and one out of 16,300 Hispanic American births.<sup>9</sup> In 2008, out of the 197 babies born in New York State with SCD, 136 of their births occurred in New York City.<sup>10</sup> Many more people have SCT than SCD.<sup>11</sup> SCT occurs in one out of every 13 Black or African American births.<sup>12</sup>

Currently, the only cure for SCD is an extremely risky bone marrow or stem cell transplant.<sup>13</sup> There are also a few medications to help people, but they mainly treat symptoms of SCD.<sup>14</sup> SCD affects predominately minority communities, and there are many concerns that health officials, researchers, and doctors overlook the patients with SCD and the actual disease itself, likely in part as a result of conscious and unconscious bias.<sup>15</sup> Although treatment can help people with SCD live quality lives, a study found that children who rely on public insurance were more likely to utilize urgent health care settings and delay preventative care and other necessary care for effective treatment.<sup>16</sup> According to a *New York Times* article, about 90 percent of people with SCD are enrolled in Medicaid.<sup>17</sup>

There are also reports that patients feel ignored or judged and do not want to seek medical help.<sup>18</sup> Additionally, officials have shown a lack of interest in funding to help those with SCD.<sup>19</sup> SCD is relatively rare, but other rarer diseases have gotten more attention.<sup>20</sup> For example, in 2011, research for Cystic Fibrosis, which predominately affects white individuals,<sup>21</sup> received 11 times more per-person funding from the National Institutes of Health (NIH) than SCD.<sup>22</sup> The National spending for Cystic Fibrosis was 440 times that for SCD, and Cystic Fibrosis had more than twice as many peer-reviewed publications than SCD.<sup>23</sup> Additionally, in 2011, the Food and Drug Administration (FDA) approved and released five medications for Cystic Fibrosis, while there were no new drugs for SCD.<sup>24</sup> Since the FDA's first drug approval for SCD in 1998, there have only been two other drug approvals for SCD, both of which occurred in 2017.<sup>25</sup>

NYSDOH's website has a page dedicated to providing information on health topics. Cystic Fibrosis and ALS (Lou Gehrig's disease), both diseases that predominately affect white populations,<sup>26</sup> have pages dedicated to providing the public with information and resources.<sup>27</sup> These diseases are even rarer than SCD. About 30,000

<sup>8</sup> *Data & Statistics on Sickle Cell Disease*, CDC, August 9, 2017, available at <https://www.cdc.gov/ncbddd/sicklecell/data.html>

<sup>9</sup> *Id.*

<sup>10</sup> *Sickle Cell Disease in New York*, CDC, available at [https://www.cdc.gov/ncbddd/sicklecell/documents/SCD\\_FS\\_NY.pdf](https://www.cdc.gov/ncbddd/sicklecell/documents/SCD_FS_NY.pdf)

<sup>11</sup> *Data & Statistics on Sickle Cell Disease*, CDC, August 9, 2017, available at <https://www.cdc.gov/ncbddd/sicklecell/data.html>

<sup>12</sup> *Id.*

<sup>13</sup> *What is Sickle Cell Disease?*, CDC, August 9, 2017, available at <https://www.cdc.gov/ncbddd/sicklecell/facts.html>

<sup>14</sup> *Complications and Treatments of Sickle Cell Disease*, CDC, June 12, 2019, available at

<https://www.cdc.gov/ncbddd/sicklecell/treatments.html>

<sup>15</sup> A.E. Carroll. *Sickle Cell Disease Still Tends to Be Overlooked*. *New York Times*. (August 5, 2019) available at

<https://www.nytimes.com/2019/08/05/upshot/sickle-cell-disease-overlooked.html>

<sup>16</sup> Robinson, M Renee et al. "Insurance status as a sociodemographic risk factor for functional outcomes and health-related quality of life among youth with sickle cell disease." *Journal of pediatric hematology/oncology* vol. 36, 1 (2014): 51-6.

doi:10.1097/MPH.000000000000013. available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4418500/>

<sup>17</sup> A.E. Carroll. *Sickle Cell Disease Still Tends to Be Overlooked*. *New York Times*. (August 5, 2019) available at

<https://www.nytimes.com/2019/08/05/upshot/sickle-cell-disease-overlooked.html>

<sup>18</sup> B. Hosfelt. *NY Support Lags for Sickle-cell Patients Facing Pain, Poor Treatment, Discrimination*, *City Limits* (February 1, 2019)

available at <https://citylimits.org/2019/02/01/ny-support-lags-for-sickle-cell-patients-facing-pain-poor-treatment-discrimination/>

<sup>19</sup> A.E. Carroll. *Sickle Cell Disease Still Tends to Be Overlooked*. *New York Times*. (August 5, 2019) available at

<https://www.nytimes.com/2019/08/05/upshot/sickle-cell-disease-overlooked.html>

<sup>20</sup> *Id.*

<sup>21</sup> *Cystic Fibrosis*, NIH National Library of Medicine, (August 6, 2019) available at <https://ghr.nlm.nih.gov/condition/cystic-fibrosis>;

A.E. Carroll. *Sickle Cell Disease Still Tends to Be Overlooked*. *New York Times*. (August 5, 2019) available at

<https://www.nytimes.com/2019/08/05/upshot/sickle-cell-disease-overlooked.html>

<sup>22</sup> A.E. Carroll. *Sickle Cell Disease Still Tends to Be Overlooked*. *New York Times*. (August 5, 2019) available at

<https://www.nytimes.com/2019/08/05/upshot/sickle-cell-disease-overlooked.html>

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *The FDA Encourages New Treatment for Sickle Cell Disease*, FDA, June 6, 2018, available at

<https://www.fda.gov/consumers/consumer-updates/fda-encourages-new-treatments-sickle-cell-disease>

<sup>26</sup> Rechtman, L. et al., "Racial and ethnic differences among amyotrophic lateral sclerosis cases in the United States," *Amyotrophic lateral sclerosis & frontotemporal degeneration*, vol. 16,1-2 (2015): 65-71, doi:10.3109/21678421.2014.971813, available at

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4389704/>; *Health Topics A to Z*, New York State Department of Health, June 2019,

available at <https://www.health.ny.gov/healthaz/>

<sup>27</sup> *Health Topics A to Z*, New York State Department of Health, June 2019, available at <https://www.health.ny.gov/healthaz/>

people nationwide suffer from Cystic Fibrosis.<sup>28</sup> Another 30,000 people in the U.S. have ALS.<sup>29</sup> Although SCD affects more New Yorkers than these two diseases, there is no informational page for SCD on DOH's website.<sup>30</sup>

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 335-A:)**

Res. No. 335-A

**Resolution calling upon the New York State Legislature to pass and fully fund, and the Governor to sign, A.6493/S.2281, legislation that would establish eight demonstration programs throughout New York State and one coordinating center to improve the care of sickle cell disease patients and educate about sickle cell trait.**

By Council Members Dromm, Ampry-Samuel, Van Bramer, Miller, Levine, Rivera, Richards, Constantinides, Ayala, Cumbo, Adams, Eugene, Rosenthal, Rodriguez, Grodenchik, Lander, Lancman, Powers, Holden, Maisel, Cornegy, Moya, Koslowitz, Menchaca, Rose, Salamanca, Gibson, Cabrera, Koo, Perkins, Brannan, Vallone, Levin, Torres, Barron, Reynoso, Kallos, Louis, Chin, Deutsch, Ulrich and the Public Advocate (Mr. Williams).

**Whereas**, Sickle cell disease (SCD) affects approximately 100,000 Americans and is most common in those with African, Hispanic, Mediterranean and Middle Eastern ancestry; and

**Whereas**, Nationally, SCD occurs in approximately 1:365 Black or African American births, 1:16,300 Hispanic births and 1:80,000 White births, according to the Centers for Disease Control and Prevention (CDC); and

**Whereas**, In New York State (NYS) SCD occurs in 1:230 live births to non-Hispanic Black mothers, 1:2,320 births to Hispanic mothers and 1:41,647 to non-Hispanic White mothers; and

**Whereas**, In NYS, 1:1,146 live births have SCD, with 86% of NYS sickle cell disease births among babies with Black mothers and 12% with Hispanic mothers; and

**Whereas**, Higher birth rates for SCD occur in mothers who were born outside of the US; and

**Whereas**, In NYS, approximately 70% of all newborns with SCD were born in the NYC area; and

**Whereas**, Persons with sickle cell trait (SCT) are carriers of the sickle cell gene who have inherited the normal hemoglobin gene from one parent and the sickle cell gene from the other parent; and

**Whereas**, Approximately 3 million Americans have SCT; and

**Whereas**, When both parents have SCT there is a 1 in 4 chance with each pregnancy that the child will be born with SCD; and

**Whereas**, Most people with SCT do not have any symptoms of SCD, however, in rare cases, people with SCT might experience complications of SCD; and

**Whereas**, The CDC states that SCD is a major public health concern; and

**Whereas**, Those with SCD may exhibit complications in all parts of the body; and

**Whereas**, This includes, but is not limited to, severe pain episodes, entrapment of blood within the spleen, severe anemia, acute lung complications (acute chest syndrome), stroke, priapism in males and other life-threatening conditions; and

**Whereas**, These life-threatening complications can develop rapidly, especially stroke and infections of the blood and brain; and

**Whereas**, Stroke can be either silent (no overt symptoms) or clinical (with symptoms); and

**Whereas**, Silent strokes occur in up to 35% of children with sickle cell anemia and clinically overt strokes occur in approximately 10% of children with sickle cell anemia, often causing cognitive impairments; and

<sup>28</sup> *About Cystic Fibrosis*, Cystic Fibrosis Foundation, available at <https://www.cff.org/What-is-CF/About-Cystic-Fibrosis/>

<sup>29</sup> *ALS (Lou Gehrig's Disease)*, New York State Department of Health, March 2012, available at <https://www.health.ny.gov/diseases/chronic/als/>

<sup>30</sup> *Health Topics A to Z*, New York State Department of Health, June 2019, available at <https://www.health.ny.gov/healthaz/>

**Whereas**, SCD is a cumulative disease with worsening complications and damage of organs, including lungs, heart and kidneys, as patients get older; and

**Whereas**, In addition, with the toll of the disease on patients, particularly to their brain, mental health issues can significantly impact the SCD patient and family; and

**Whereas**, As a complex disease with multisystem manifestations, SCD requires specialized, comprehensive and continuous care to achieve the best possible outcomes; and

**Whereas**, Newborn screening, genetic counseling and education of patients, family members, schools and health care providers are critical preventative measures; and

**Whereas**, Early detection can decrease morbidity, and holistic care reduces emergency room visits and in-patient hospital stays, decreasing overall costs of care; and

**Whereas**, Community-based organizations provide a valuable service in educating their communities about sickle cell disease and trait and, because they act as a bridge between the treatment centers and the community, should be included in any program to improve care to the community; and

**Whereas**, While SCD patients receiving regular care have improved clinical outcomes, many young adults transitioning out of pediatrics struggle to maintain their care; and

**Whereas**, A.6493/S.2281, sponsored by Senator James Sanders Jr. and Assembly Member Alicia Hyndman, would create eight regional prevention and treatment of SCD demonstration programs throughout NYS; and

**Whereas**, Over five years, the demonstration programs would coordinate service delivery, provide genetic counseling, conduct community outreach, promote mental health services and train health professionals; and

**Whereas**, A.6493/S.2281 would also create one statewide coordinating center to provide education and assistance to each program, establish statewide goals for standards of care, collect data and monitor progress; and

**Whereas**, A.6493/S.2281 would improve the quality of care for SCD patients, increase the average life expectancy for SCD patients, decrease the cost of care of sickle cell disease patients and educate communities about SCT and SCD; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and fully fund, and the Governor to sign, A.6493/S.2281, legislation that would establish eight demonstration programs throughout New York State and one coordinating center to improve the care of sickle cell disease patients and educate about sickle cell trait.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health; February 26, 2020.  
*Other Council Members Attending: Council Members Dromm and Miller.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 980

**Report of the Committee on Health in favor of approving a Resolution declaring June 19 of each year Sickle Cell Awareness Day in the City of New York.**

The Committee on Health, to which the annexed resolution was referred on June 26, 2019 (Minutes, page 2179), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Res. No. 335-A printed above in this voice-vote Resolutions section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 980:)**

Res. No. 980

**Resolution declaring June 19 of each year Sickle Cell Awareness Day in the City of New York.**

By Council Members Miller, Barron, Cornegy, Louis, Chin, Holden, Eugene, Rivera, Ayala, Deutsch, Koo, Torres, Cabrera, Richards, Rose, Moya, King, Menchaca, Perkins, Ampy-Samuel and Reynoso.

**Whereas**, Sickle cell disease (SCD) is a group of inherited red blood cell disorders; and

**Whereas**, Hemoglobin is a protein in red blood cells that carries oxygen throughout the body and people with SCD inherit two abnormal hemoglobin genes, one from each parent; and

**Whereas**, The abnormal hemoglobin gene can cause red blood cells to become sickle-shaped (crescent-shaped) and have difficulty passing through small blood vessels; and

**Whereas**, Those who have inherited an abnormal hemoglobin gene from one parent but a normal hemoglobin gene from the other parent have sickle cell trait (SCT); and

**Whereas**, People with SCT usually do not have any of the signs of the disease, but they can pass the trait on to their children; and

**Whereas**, According the Centers for Disease Control and Prevention (CDC), SCD is more common among people whose ancestors came from sub-Saharan Africa, Spanish-speaking regions in the Western Hemisphere, Saudi Arabia, India, and Mediterranean countries such as Turkey, Greece, and Italy; and

**Whereas**, The National Institutes of Health (NIH) estimates that about 2 million people in the United States have SCT, and the CDC estimates about 100,000 Americans have SCD; and

**Whereas**, According to the CDC, approximately one out of every 365 Black or African American babies is born with SCD, and about 1 in every 13 Black or African American babies is born with SCT; and

**Whereas**, According to the CDC, there were approximately 8,374 people with SCD living in New York State in 2004-2008; and

**Whereas**, In 2008, 197 babies were born with SCD in New York State; and

**Whereas**, SCD occurred among approximately 1 out of every 1,259 births, and 1 out of every 260 Black or African American births; and

**Whereas**, Of the 197 babies born with SCR in New York State in 2008, 89 percent were Black or African American; and

**Whereas**, In 2008, 56 babies were born with SCD in the Bronx, the highest number in the State, followed by 47 in Brooklyn and 23 in Queens; and

**Whereas**, The severity of SCD can vary widely from person to person; and

**Whereas**, SCD can cause organ damage and attacks of sudden and severe pain, which often requires a hospital visit; and



**Whereas**, The only known cure for SCD is bone marrow or stem cell transplant, and is very risky and can have serious side effects, including death; and

**Whereas**, Early diagnosis and regular medical care can reduce symptoms, prevent complications, and prolong life, thus making awareness of SCD and SCT crucial; and

**Whereas**, June 19 is recognized by the United Nations as World Sickle Cell Day; now, therefore, be it

**Resolved**, That the Council of the City of New York declares June 19 of each year Sickle Cell Awareness Day in the City of New York.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health; February 26, 2020.  
*Other Council Members Attending: Council Members Dromm and Miller.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Res. No. 1254

### **Resolution calling on the New York City Department of Education to create 10 new rigorous, high quality Specialized High Schools for grades 9 through 12, distributed across all five boroughs.**

By Council Members Ampry-Samuel and Kallos.

**Whereas**, The New York City (NYC) Department of Education (DOE) manages NYC's public school system, which educates over 1,100,000 students who attend more than 1,800 schools, including over 400 high schools; and

**Whereas**, The DOE's 400 high schools include nine Specialized High Schools (SHS), which educate academically and/or artistically gifted students and are among the most high performing and sought-after public high schools in NYC; and

**Whereas**, One SHS, Fiorello H. LaGuardia High School of Music & Art and Performing Arts, admits students on the basis of a portfolio and audition in a talent area, while the other eight admit students based solely on their score on the Specialized High Schools Admissions Test (SHSAT); and

**Whereas**, According to an April 2019 report by the Manhattan Institute (MI), the eight test-based SHS have the highest student attendance (96%), SAT scores (1429 combined verbal and math) and college-readiness rate (99%); and

**Whereas**, The MI report also found SHS have higher graduation rates, 98.7% in 2017-18, compared to the overall City graduation rate of 82.8% that year; and

**Whereas**, Further, SHS graduates are more likely to be enrolled in college six months after graduation, with approximately 91% of SHS graduating seniors enrolled in a postsecondary program within six months of graduation in 2018, compared to an average of 64% for DOE high schools overall that year, according to the MI report; and

**Whereas**, The SHS have produced notable alumni, including Nobel Laureates, Rhodes Scholars and Pulitzer Prize winners, as well as members of congress and leaders of industry; and

**Whereas**, However, the current student enrollment at the SHS does not reflect the diversity of the City's students overall; and

**Whereas**, Although approximately 67% of DOE students are Black and Latino, for the 2019-20 school year, Black and Latino students were offered only 10.5% of the seats at the eight test-based SHS; and

**Whereas**, The current number of SHS is inadequate to serve the number of NYC students who deserve the opportunity to pursue a more academically-demanding high school education; and

**Whereas**, Of the eight test-based SHS, there is just one each in Staten Island and Queens, and two each in Manhattan, Bronx and Brooklyn, with both Bronx schools located in District 10 in the north Bronx, and both Brooklyn schools located in north Brooklyn in Districts 13 and 14; and

**Whereas**, The low number and clustered locations of the existing SHS has created deserts, particularly in Black and Latino communities, making it more difficult for students from those neighborhoods to access them; and

**Whereas**, The DOE has an obligation to provide every NYC student with an equal opportunity to access the quality education provided by SHS regardless of where they live; and

**Whereas**, While New York State Education Law mandates that admissions to schools designated as SHS must be based on the SHSAT, the power to create or designate additional SHS lies with the DOE; and

**Whereas**, Creating additional SHS, particularly in neighborhoods currently underserved by the SHS system, would give more students the opportunity to qualify for SHS and foster greater equity in the NYC school system; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to create 10 new rigorous, high quality Specialized High Schools for grades 9 through 12, distributed across all five boroughs.

Referred to the Committee on Education.

Int. No. 1889

By Council Members Ayala, Brannan, Rosenthal and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring closed captioning to be enabled on televisions in places of public accommodation**

*Be it enacted by the Council as follows:*

Section 1. Section 8-102 of the administrative code of the city of New York is amended by adding a new definition in alphabetical order to read as follows:

*Closed Captioning. The term "closed captioning" means a feature on a television that, when activated, visually displays a transcription of the audio portion of video programming.*

§ 2. Paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law 119 of 2017, is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation:

1. Because of any person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service or alienage or citizenship status, directly or indirectly:

a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation; or

(b) To represent to any person that any accommodation, advantage, facility or privilege of any such place or provider of public accommodation is not available when in fact it is available; [or]

2. Directly or indirectly to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that:

(a) Full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, facilities and privileges of any such place or provider of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service or alienage or citizenship status; or

(b) The patronage or custom of any person is unwelcome, objectionable, not acceptable, undesired or unsolicited because of such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service or alienage or citizenship status[.]; or

3. *To fail to have closed captioning enabled on at least one television made available in a public area during the posted hours of operation of the place of public accommodation, provided that such area has at least one television made available to the public.*

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Civil and Human Rights.

Int. No. 1890

By Council Members Ayala and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to community outreach regarding the availability of mental health counseling in response to violent and traumatic incidents**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-119.1 to read as follows:

§ 14-119.1 *Notification of violent or traumatic incidents. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Violent or traumatic incident. The term “violent or traumatic incident” means an act or series of acts causing serious physical injury or death, including but not limited to gun violence or suicide.*

*b. Within 24 hours of a determination that a violent or traumatic incident has occurred, the department shall notify the department of health and mental hygiene of such violent or traumatic incident. The notice required pursuant to this subdivision does not require the disclosure of confidential information or information that could jeopardize the investigation of such violent or traumatic incident by law enforcement.*

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.13 to read as follows:

§ 17-199.13 *Community outreach regarding mental health counseling in response to violent and traumatic incidents. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Service provider. The term “service provider” means any non-government organization, funded in whole or in part by the city, or any agency under the jurisdiction of the mayor, that provides social services, including but not limited to case management, crisis intervention, legal services, restorative justice, emergency or transitional shelter, permanent housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation, public benefits, domestic and family matters safety planning, job training and economic empowerment, immigration advocacy or other services, provided, however, that social services shall not be construed to include the provision of services by first responders in response to public safety incidents.*

*Violent or traumatic incident. The term “violent or traumatic incident” has the same meaning as is ascribed to such term in section 14-119.1.*

*b. Upon receiving notice of a violent or traumatic incident from the police department as required pursuant to section 14-119.1, the department shall conduct outreach to affected community members regarding the availability of mental health counseling and other social services from service providers.*

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 1891

By Council Member Borelli.

**A Local Law to amend the New York city fire code, in relation to machines used to resurface ice**

*Be it enacted by the Council as follows:*

Section 1. Section FC 309.1.2 of the New York city fire code, is amended to read as follows:

**309.1.2 Powered industrial trucks using flammable gas fuel.**

Powered industrial trucks that use LPG or other flammable gas as fuel shall be limited to one fuel container with a capacity not greater than 40 pounds (18.16 kg) or 340 SCF (9.63 m<sup>3</sup>) of flammable gas, whichever is less,

*except that powered industrial trucks used primarily to resurface ice shall be limited to two such containers.* Liquefied gas containers installed in a horizontal position shall be of such a design that the pressure relief valve will discharge vapor properly. Such powered industrial trucks shall not be parked near open flames or other heat or ignition sources, or near open pits, underground entrances, elevator shafts, or similar areas. Such powered industrial trucks shall be stored and used in locations with adequate ventilation. It shall be unlawful to store or use such powered industrial trucks in a basement, cellar or other areas below grade.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Res. No. 1255

**Resolution calling on Congress to pass and the President to sign, H.R 4984, in relation to increasing the supply and affordability of certain housing and to adjust the calculations of area median income for purposes of Federal low-income housing assistance, and for other purposes.**

By Council Members Brannan, Ampry-Samuels, Cornegy, Salamanca, Ayala and Kallos.

**Whereas**, The area median income (AMI) is used in federally funded housing programs to determine if a household meets income eligibility and the amount of rent a household is charged to reside in an apartment; and

**Whereas**, Every year the United States (U.S.) Department of Housing and Urban Development (HUD) defines AMI for all cities in the United States; and

**Whereas**, The AMI for the New York City area incorporates not only the median earnings in Manhattan, Brooklyn, Staten Island, Queens and the Bronx but it also includes Westchester and Rockland counties who have higher median incomes than the five boroughs; and

**Whereas**, The higher housing cost adjustment is one of the five adjustments a jurisdiction applies to the AMI to determine the very low-income limit; and

**Whereas**, High housing cost adjustments are usually applied in areas where the cost of housing is considerably higher compared to the median income; and

**Whereas**, HUD increases the income limit requirements in high cost adjustment areas, such as New York City, so that more households can qualify for assistance for affordable housing units that are produced through the Low Income Housing Tax Credit (LIHTC) program; and

**Whereas**, According to the National Low Income Housing Coalition, if the high housing cost adjustments could be restricted in determining AMI for Low Income Housing Tax Credit Properties, more affordable units could be made available for lower-income households; and

**Whereas**, H.R. 4984, the Affordable Housing and Area Median Income Fairness Act of 2019, sponsored by Congresswoman Yvette D. Clarke, currently pending in the House of Representatives, would preserve the affordability of units financed under LIHTC by exempting jurisdictions from using the high housing cost adjustment to calculate area median income (AMI) unless the jurisdiction petitions HUD to apply such adjustment to their county or city; and

**Whereas**, H.R. 4984, would remove Westchester and Rockland Counties from New York City's AMI; and

**Whereas**, H.R. 4984, would also require a study to determine alternate methods of calculating AMI and it would authorize \$25 billion over the next decade to the National Housing Trust Fund, the HOME Investments Partnership program, and the Community Development Block Grant program to create new affordable housing; now, therefore, be it

**Resolved**, That the New York City Council calls on Congress to pass and the President to sign, H.R 4984, in relation to increasing the supply and affordability of certain housing and to adjust calculations of area median income for purposes of Federal low-income housing assistance, and for other purposes.

Referred to the Committee on Housing and Buildings.

## Res. No. 1256

**Resolution calling upon the Trump Administration to release any remaining federal disaster recovery funds from Hurricane Maria to Puerto Rico and provide additional funds in response to recent earthquakes on the island.**

By Council Members Cabrera and Brannan.

**Whereas**, It has been over two years since Hurricane Maria struck Puerto Rico causing approximately \$90 billion in damage, and yet the island has not received sufficient recovery funds from the United States (U.S.); and

**Whereas**, In 2018, the U.S. approved approximately \$20 billion in long-term recovery aid to Puerto Rico to be disbursed by the Housing and Urban Development (HUD), however, as of January 2020, only \$1.5 billion in HUD funds have been made available to the island, as reported by the National Public Radio (NPR); and

**Whereas**, On January 15, 2020, NPR reported that of the \$1.5 billion made available, Puerto Rico has utilized about \$11 million; and

**Whereas**, Recently, Puerto Rico was met with more devastation as the island experienced more than 500 earthquakes with a magnitude of 2 or greater since December 28, 2019 according to the Cable News Network (CNN); and

**Whereas**, On January 7, 2020, a 6.4 magnitude earthquake struck the island, killing one person and leaving hundreds of others homeless; and

**Whereas**, As reported by the British Broadcasting Corporation (BBC) News, this earthquake was the strongest the island has experienced in over a century, and at one point during the aftermath, over 65 percent of Puerto Rico's population did not have power; and

**Whereas**, According to a report released by the United States Geological Survey (USGS), USGS experts estimate that aftershocks from the earthquake will continue for years to decades, while decreasing in frequency; and

**Whereas**, USGS's report acknowledges that the probability that Puerto Rico will experience an aftershock of a magnitude of 6 or greater will remain above 25 percent for the next three months to three years; and

**Whereas**, As CNN reports, the series of earthquakes in Puerto Rico exacerbated the devastation caused by 2017 hurricanes Irma and Maria; and

**Whereas**, In response to recent disasters, on January 17, 2020, the Internal Revenue Service (IRS) announced that victims of Puerto Rico earthquakes that occurred since December 28, 2019 may be eligible for a tax relief from the IRS; and

**Whereas**, The declaration permits the IRS to defer certain deadlines for taxpayers who live in or have a business in "the disaster area"; and

**Whereas**, As reported by the Wall Street Journal (WSJ), on February 7, 2020, the House passed a \$4.7 billion disaster-aid package to support earthquake-recovery efforts in Puerto Rico, however, the legislation is unlikely to pass in the Senate and the White House stated it would veto the legislation; and

**Whereas**, According to news sources, the Trump administration and Republicans have resisted allocating additional federal funding to Puerto Rico due to their concerns about how the aid would be used; and

**Whereas**, The WSJ also reported that, in January 2020, the Trump administration stated that they would release \$16 billion in disaster aid for the island while also imposing terms including requiring the island to submit detailed budgets; and

**Whereas**, In February 2020, President Donald Trump appointed U.S. Coast Guard Rear Admiral Peter J. Brown as special representative for Puerto Rico's disaster recovery, who will be tasked with coordinating infrastructure efforts with White House agencies including the Office of Management and Budget, and Congress and Puerto Rico officials; and

**Whereas**, While the recent earthquakes in Puerto Rico have resurfaced discussions on how the U.S. should support the commonwealth during a critical time, advocates are demanding that the U.S. move from conversation to action by releasing relief funds due to the commonwealth from Hurricane Maria and appropriating additional funds that would help the island recover from recent earthquake devastations; now, therefore be it

**Resolved,** That the Council of the City of New York calls upon the Trump Administration to release any remaining federal disaster recovery funds from Hurricane Maria to Puerto Rico and provide additional funds in response to recent earthquakes on the island.

Referred to the Committee on Governmental Operations.

Int. No. 1892

By Council Members Cohen and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to utilize zero-emission vehicles**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-160 to read as follows:

*§ 9-160 Zero emission vehicles.*

*a. No later than December 31, 2026, all vehicles utilized by the department shall be zero emission vehicles.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 1893

By Council Members Cumbo, Ampry-Samuel and Rosenthal.

**A Local Law to amend the New York city plumbing code in relation to toilets sized for children**

*Be it enacted by the Council as follows:*

Section 1. Section PC 403 of the New York city plumbing code is amended by adding a new section 403.1.4 to read as follows:

*403.1.4 At least one toilet sized for children shall be available in toilet rooms located in buildings classified in occupancy groups A and E and libraries in occupancy group B, as defined in the New York City Building Code.*

**Exception:** *A building may apply to the department where the use of such building after issuance of a certificate of occupancy does not permit persons under the age of six.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

## Int. No. 1894

By Council Members Cumbo, Ampry-Samuel, Rosenthal, Cornegy, Kallos, Adams, Louis, Chin, Cabrera, Lancman, Rose, Gibson, Constantinides, Brannan, Torres, Rivera, Levine, Ayala and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of automated employment decision tools**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 21 to read as follows:

*Subchapter 21*

*Sale of Automated Employment Decision Tools*

*§ 20-840 Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

*Automated employment decision tool. The term “automated employment decision tool” means any system whose function is governed by statistical theory, or systems whose parameters are defined by such systems, including inferential methodologies, linear regression, neural networks, decision trees, random forests, and other learning algorithms, which automatically filters candidates or prospective candidates for hire or for any term, condition or privilege of employment in a way that establishes a preferred candidate or candidates.*

*Bias audit. The term “bias audit” means an impartial evaluation, including but not limited to testing, of an automated employment decision tool to assess its predicted compliance with the provisions of section 8-107 and any other applicable law relating to discrimination in employment.*

*Employment decision. The term “employment decision” means to screen candidates for employment or otherwise to help to decide compensation or any other terms, conditions or privileges of employment in the city.*

*§ 20-841 Requirements for automated employment decision tools. a. It shall be unlawful to sell or offer for sale in the city an automated employment decision tool that does not comply with the provisions of this subdivision.*

*1. Such tool shall be the subject of a bias audit conducted in the past year prior to selling or offering for sale such tool.*

*2. Every sale of such tool shall include, at no additional cost, an annual bias audit service that provides the results of such audit to the purchaser.*

*3. Such tool shall be sold or offered for sale with a notice stating that such tool is subject to the provisions of the local law that added this subchapter.*

*b. Candidate notice required. Any person who uses an automated employment decision tool to screen a candidate for an employment decision shall notify each such candidate of the following within 30 days of such use:*

*1. That an automated employment decision tool required by this local law to be audited for bias was used in connection with the candidate’s candidacy; and*

*2. The job qualifications or characteristics that such tool was used to assess in the candidate.*

*§ 20-842 Penalties. a. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter is liable for a civil penalty of not more than \$500 for that person’s first violation and each additional violation occurring on the same day as the first violation, and not less than \$500 nor more than \$1,500 for each subsequent violation.*

*b. Violations shall accrue on a daily basis for each automated employment decision tool that is sold or offered for sale in violation of subdivision a of section 20-841.*

*c. Each instance in which notice is not provided to a candidate within 30 days in violation of subdivision b of section 20-841 constitutes a single violation, and each 30-day period thereafter in which such notice is not provided to such candidate constitutes a separate violation.*

*d. A proceeding to recover any civil penalty authorized by this subchapter is returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*



*§ 20-843 Enforcement. The commissioner may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant this subchapter, including mandating compliance with the provisions of this chapter or such other relief as may be appropriate.*

*§ 20-844 Rules. The department, the commission on human rights and any other agency designated by the mayor may promulgate such rules as it deems necessary to implement and enforce the provisions of this subchapter.*

*§ 20-845 Construction. The provisions of this subchapter shall not be construed to limit any right of any candidate for an employment decision to bring a civil action in any court of competent jurisdiction, or to limit the authority of the city commission on human rights to enforce the provisions of title 8, in accordance with law.*

§ 2. This local law takes effect on January 1, 2022.

Referred to the Committee on Civil and Human Rights.

Res. No. 1257

**Resolution calling upon the New York City Department of Education to provide all grade levels with a curriculum that focuses on religious diversity and to offer professional development focused on religious diversity to educators.**

By Council Members Dromm and Kallos.

**Whereas**, The number of reported hate crimes has increased significantly since 2016, especially in recent months with the spike in hate crimes committed against Jewish, Muslim, Sikh, Hispanic, immigrant, lesbian, gay, bisexual, transgender, and queer individuals, and other groups throughout New York City and the country; and

**Whereas**, Based on the Federal Bureau of Investigation’s 2018 Hate Crime Statistics report the most reported form of hate crimes is single-bias incidents with race/ethnicity/ancestry bias incidents accounting for 59.6 percent of all reported incidents and religious-based bias incidents accounting for 18.7 percent of all reported incidents; and

**Whereas**, According to a 2017 Institute for Social Policy and Understanding (ISPU) national survey, 42 percent of Muslims, 23 percent of Jews, and 6 percent of Catholics reported that at least one of their children experienced religious-based bullying at school in the previous year, and in 25 percent of the incidents that involved Muslim students, a school administrator or educator perpetrated the bullying; and

**Whereas**, In the current sociopolitical climate, it has become commonplace to hear derogatory statements about Muslims, Sikhs, Hindus, and Jews, and the news abounds with accounts of harassment, intimidation, and bullying of religious minorities; and

**Whereas**, Particularly troubling is the “Trump Effect,” which refers to the increase in bias-based bullying following the presidential election, including an increase in harassment, intimidation, and bullying of religious-minority youth at school; and

**Whereas**, According to Dr. Lori Maria Walton of the University of Sharjah, bias-based bullying is, “physical, verbal, social, or cyber-based threats directed toward a minority population based upon race, ethnicity, religious belief, gender, or sexual orientation and includes a systematic abuse of power that is characterized by intentionality, frequency, and imbalance of power”; and

**Whereas**, Research shows that implicit and explicit bias-based bullying is associated with several negative health outcomes, including: (1) depressive symptoms, (2) decreased quality of life, (3) anxiety, (4) low self-esteem, and (5) conduct disorders, and bullying is linked to poor academic functioning in students; and

**Whereas**, As reported by the Islamic Networks Group, a study conducted of Muslim students showed that 57 percent of respondents reported seeing offensive online posts by peers, 26 percent reported cyberbullying, 19 percent reported physical harm or harassment, and 36 percent of hijab-wearing girls reported having their hijab offensively touched or pulled; and

**Whereas**, According to a 2019 New York State Comptroller report, 570 New York City Department of Education (DOE) schools did not report any incident of discrimination, bullying or harassment to the state during

the 2016-17 school year, although DOE's 2016-17 student survey data show that these problems were endemic throughout the school system; and

**Whereas**, Religious-based bullying is more often based on misunderstandings or negative perceptions about how another individual expresses their faith than it is based on an individual's particular faith; and

**Whereas**, Students who wear head coverings, including Muslim girls who wear hijabs and Jewish boys who wear yarmulkes, report being targeted for wearing these religious symbols, and as reported by the Islamic Networks Group, in 2012 and 2013 surveys, while over 50 percent of all Sikh children experienced school bullying, 67 percent of turbaned Sikh children experienced bullying; and

**Whereas**, Teachers are often not well-equipped to teach about different religions and at times convey biases, and as reported by the Islamic Network Group, classroom discussions and resources about religion can be humiliating, create a sense of shame, and even lead to bullying; and

**Whereas**, The National Council for the Social Studies reported in 2017 that religious studies are an essential part of the social studies curriculum and should be adopted as part of the College, Career, and Civic Life (C3) Framework for Social Studies State Standards; and

**Whereas**, Many advocates, including ISPU, contend that education lessons about religion that address bias and inaccuracies can help decrease religious-based bullying in schools; and

**Whereas**, According to the Harvard Religious Literacy Project, religious literacy includes the ability to recognize and analyze the fundamental intersections of religion and political, social, and cultural life through different lenses, and critical to religious literacy "is the importance of understanding religions and religious influences *in context* and as *inextricably woven into all dimensions of human experience*"; and

**Whereas**, In alignment with the New York State Education Department's social studies framework, the DOE's Passport to Social Studies curriculum offers lessons in religion only in grade 6, including lessons on the representative art of Hinduism and Buddhism and an analysis of the shared customs of Islam, Judaism, and Christianity; and

**Whereas**, The DOE also provides a few lessons about religious holidays on its "WeTeachNYC" website, including lessons about Eid al-Fitr and Eid al-Adha, and Diwali; and

**Whereas**, A curriculum that teaches students in all grade levels about religion would be more effective than the minimal lessons DOE currently offers, and it would help promote diversity, tolerance, and inclusion throughout the city's school system; and

**Whereas**, According to the Public Religion Research Institute, New York City has the largest number of Jewish and Muslim residents of any municipality in the United States, and hence, it is imperative that New York City's school curriculum is inclusive of these prominent religions; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to provide all grade levels with a curriculum that focuses on religious diversity and to offer professional development focused on religious diversity to educators.

Referred to the Committee on Education.

Preconsidered Res. No. 1258

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Dromm.

**Whereas**, On June 19, 2019 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2020 with various programs and initiatives (the "Fiscal 2020 Expense Budget"); and

**Whereas**, On June 14, 2018 the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the "Fiscal 2019 Expense Budget"); and

**Whereas**, On June 6, 2017, the City Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the "Fiscal 2018 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 and Fiscal 2019 and Fiscal 2018 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth and aging discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and aging discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organization receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support for Educators Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the removal of funds from the administering agency pursuant to the Work-Based Learning Internships Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Bridge Program for Workforce Development Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Census 2020 Outreach Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Cure Hate Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organizations local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 31.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 1258 printed in these Minutes).

## Int. No. 1895

By Council Members Gjonaj, Kallos, Constantinides, Brannan, Perkins, Louis, Ayala, Lander, Koslowitz and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to food service establishments' packaging of food for delivery**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1508 to read as follows:

§ 17-1508 *Packaging food for delivery.* a. *For purposes of this section, the term “tamper-evident packaging” means a package having one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.*

b. *The department shall by rule establish standards and procedures to decrease the risk that food packaged by food service establishments for delivery is tampered with in transit. Such procedures may include, but need not be limited to, requiring food service establishments to use tamper-evident packaging when packaging food for delivery.*

c. *The department shall by rule establish civil penalties for any food service establishment that does not meet the standards established pursuant to this section and the rules promulgated hereunder. Such penalties shall not exceed \$100 for each violation.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department shall take such measures as are necessary for implementation of section 17-1508 of the administrative code of the city of New York, as added by section one of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

## Int. No. 1896

By Council Members Gjonaj, Kallos, Constantinides, Brannan, Gibson Perkins, Ayala, Lander, Chin, Koslowitz and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of commissions charged by third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

*Subchapter 22  
Third Party Food Delivery Services*

§ 20-845 *Definitions.* *As used in this subchapter, the following terms have the following meanings:*

*Covered establishment.* *The term “covered establishment” means any food service establishment that offers, in a single commercial transaction over the internet, whether directly or through a third-party application, the sale and same-day delivery of food to customers from one or more retail locations within the city.*

*Food service establishment.* *The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.*

*Third-party food delivery service.* *The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and*

*the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.*

§ 20-846 *Commission disclosure.* a. *When a final price is disclosed to a customer, and before a transaction occurs, for the purchase and delivery food from a covered establishment through a third-party delivery service, such third-party delivery service shall disclose to such customer, in plain and simple language and in a conspicuous manner, any commission, fee, or any other monetary payment imposed by the third-party delivery service on such covered establishment as a term of a contract or agreement between the parties in connection with the covered establishment utilizing the third-party delivery service.*

b. *Any covered establishment may decline to disclose to customers the commission charged by a third-party delivery service. If a covered establishment has declined to have such a commission disclosed to customers, the requirement of subdivision a of this section shall not apply with respect to such covered establishment.*

§ 20-847 *Penalties.* *Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter is liable for a civil penalty of not less than \$250 nor more than \$1,000 for each violation. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. For the purposes of this section, each calendar day during which a person is found to have violated this subchapter shall be considered a separate violation, even if such violation affects more than one customer.*

§ 20-848 *Injunctive relief.* *In addition to any other relief available by law, the commissioner may seek any relief available under article 63 of the civil practice law and rules in a proceeding against any person alleged to be in violation of any provision of this subchapter.*

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 1897

By Council Members Gjonaj, Constantinides, Brannan, Gibson, Perkins, Louis, Ayala, Lander, Chin and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the licensing of third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 36 to read as follows:

*Subchapter 36  
Third-Party Food Delivery Services*

§ 20-565 *Definitions.* As used in this subchapter, the following terms have the following meanings:

*Food service establishment.* *The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.*

*Third-party food delivery service.* *The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.*

§ 20-565.1 License required. It shall be unlawful for any person to operate a third-party food delivery service without first having obtained a license thereof issued pursuant to this subchapter.

§ 20-565.2 Application and fees. a. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule.

b. There shall be a biennial fee for a license to operate a third-party food delivery service. Such fee shall be no less than \$500, as determined by the commissioner.

§ 20-565.3 Issuance of license. A license to operate a third-party food delivery service shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder. The commissioner may refuse to issue to an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct which would constitute a basis for license suspension or revocation as set forth in section 20-565.4 of this subchapter.

§ 20-565.4 Renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may, after due notice and opportunity to be heard, refuse to renew any license required under this subchapter and may suspend or revoke such license if the person holding such license, or, where applicable, any of its officers, principals, directors, members, managers, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation, has been found to have:

a. Repeated violation of any provision of this subchapter or any rules promulgated thereunder; or

b. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or have been found to have committed fraud or misrepresentation upon a customer; or

c. Engaged in untrue, misleading or deceptive advertising, or deceptive or unconscionable trade practices as described in chapter five of title twenty of this code and any rules promulgated thereunder; or

d. Not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rule promulgated thereunder.

§ 20-565.5 Penalties and enforcement. a. Any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant to such subchapter, shall be guilty of an offense punishable by fines and civil penalties imposed by the commissioner.

b. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a summons or notice of violation which shall be returnable to the office of administrative trials and hearings.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 1898

By Council Members Gjonaj, Moya, Constantinides, Brannan, Rosenthal, Gibson, Perkins, Louis, Ayala, Lander, Chin and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to telephone order charges by third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

*Subchapter 22  
Third Party Food Delivery Services*

§ 20-845 *Definitions.* As used in this subchapter, the following terms have the following meanings:

*Covered establishment.* The term “covered establishment” means any food service establishment that offers, in a single commercial transaction over the internet, whether directly or through a third-party application, the sale and same-day delivery of food to customers from one or more retail locations within the city.

*Food service establishment.* The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.

*Third-party food delivery service.* The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.

§ 20-846 *Telephone orders.* No third-party delivery service may charge a commission from a covered establishment for a telephone order that does not result in an actual transaction between the covered establishment and a customer during such telephone call, or that exceeds the established commission rate between the third-party delivery service and covered establishment.

§ 20-847 *Penalties.* Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter is liable for a civil penalty of not less than \$250 nor more than \$1,000 for each violation. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. For the purposes of this section each instance in which a prohibited action affects a covered establishment shall constitute a separate violation.

§ 20-848 *Injunctive relief.* In addition to any other relief available by law, the commissioner may seek any relief available under article 63 of the civil practice law and rules in a proceeding against any person alleged to be in violation of any provision of this subchapter.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 1899

By Council Members Holden, Kallos and Brannan.

**A Local Law to amend the New York city charter, in relation to the establishment of an office of technology and digital services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 48 of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. *Office of technology and digital services.* a. *Establishment.* The mayor shall establish an office of technology and digital services. Such office may be established within any office of the mayor, as a separate office, or within any agency the head of which is appointed by the mayor. Such office shall be headed by a chief technology officer who shall be appointed by the mayor.

b. *Powers and duties.* The chief technology officer shall have the power and duty to:

1. Serve as a liaison to agencies in relation to policies and procedures affecting the procurement and provision of digital services in the city and, in such capacity, shall:

(a) Conduct outreach to agencies with regard to staffing such agencies with technology officers;

(b) Coordinate the placement of technology officers and provide adequate access to the office for agencies;

(c) Coordinate, in consultation with relevant agencies, the development of a citywide information management plan, agency information management plans and an information technology strategic plan; and



*(d) Assess, in consultation with relevant agencies, emerging technologies and advise agencies on the potential applications of these technologies to their programs and services;*

*2. Advise and assist the mayor and the heads of agencies, in the priority determined by the chief technology officer or in the order that an agency requests the placement of a technology officer, on issues relating to digital services such that a technology officer is placed at each agency by December 1, 2025;*

*3. Review information obtained from 311 or agencies on complaints from users regarding digital access and develop recommendations to address recurring problems or trends, in consultation with city agencies;*

*4. Promote a robust digital services program to further the city's interests in accessibility and transparency, while accounting for the best interests of the city and its residents; and*

*5. Perform such other relevant duties as the mayor may assign.*

§ 2. This local law takes effect 120 days after it becomes law. The mayor and any affected city agency may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Technology.

Int. No. 1900

By Council Members Kallos, Koo, Holden and Brannan.

**A Local Law to amend the New York city charter, in relation to establishing technology officers within the office of technology and digital services**

*Be it enacted by the Council as follows:*

Section 1. Section 20-h of the New York city charter, as added by a local law of the city of New York, relating to the establishment of an office of technology and digital services, is amended by adding a new subdivision c to read as follows:

*c. Technology officers. 1. There shall be technology officers within the office of technology and digital services. Technology officers shall operate under the authority of the chief technology officer. Technology officers shall be placed at city agencies in the priority determined by the chief technology officer or at any agency that requests the placement of a technology officer, subject to the agreement and discretion of the chief technology officer.*

*2. Technology officers shall provide the following services:*

*(a) Development of custom software, web development services, websites and digital applications at the request of the agency;*

*(b) Review of requests for proposals published by such agency and recommendations for obtaining requested services through the office of technology and digital services;*

*(c) Preparation of cost estimates for requested services through the office of technology and digital services; and*

*(d) Any other services that the chief technology officer determines are relevant to optimizing the digital services of the agency.*

*3. Any custom software, web development services or digital applications created by technology officers shall be open source and publicly accessible, except as otherwise provided in the rules or policies of the office of technology and digital services or as otherwise determined by the chief technology officer.*

*d. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.*

§ 2. This local law takes effect 120 days after it becomes law. The mayor and any affected city agency may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Technology.

## Int. No. 1901

By Council Members Lander, Miller, Cabrera, Kallos and Brannan.

**A Local Law to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum**

*Be it enacted by the Council as follows:*

Section 1. Subparagraphs (b) and (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as amended by local law number 41 for the year 2014, are amended to read as follows:

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more [in support of or in opposition] *with respect* to any candidate [in any covered election,] or [in support of or in opposition to] any municipal ballot proposal or referendum, shall be required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more [in support of or in opposition] *with respect* to any candidate [in any covered election] *or any municipal ballot proposal or referendum* shall disclose the following: (i) the identity of any entity that, on or after the first day of the calendar year preceding the covered election, contributed to the entity reporting the expenditure, and the owners, partners, board members, and officers, or their equivalents, of such contributing entity, or, if no individuals exist in any such roles, the name of at least one individual who exercises control over the activities of such contributing entity; (ii) the identity of any entity or individual who, in the twelve months preceding the covered election, contributed twenty-five thousand dollars or more to any entity that, in the twelve months preceding the covered election, contributed fifty thousand dollars or more to the entity reporting the expenditure; and (iii) the identity of any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election, *or in support of or in opposition to any municipal ballot proposal or referendum*, that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall, in addition to any applicable disclosure requirements in state law, disclose information as follows:

§ 2. This local law takes effect January 1, 2021; provided that the Campaign Finance Board shall take all action necessary for the timely implementation of this law, including the promulgation of rules, prior to such date.

Referred to the Committee on Governmental Operations.

## Int. No. 1902

By Council Members Levin, Kallos, Brannan and Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of case management services for homeless individuals**

*Be it enacted by the Council as follows:*

Section 1. Section 21-314 of the administrative code of the city of New York, as amended by local law number 19 for the year 1999, is amended to read as follows:

§ 21-314 Case management services. The commissioner shall provide case management services to all persons assigned to stay at the department's facilities or the facilities of organizations contracting with the department who are either waiting for the department to determine their eligibility for shelter or are receiving such shelter[.], *and to all persons whom the department otherwise reasonably believes, based on information*

*gathered from one or more assessments from either the department or from organizations contracting with the city, are living on the street. The commissioner shall begin providing case management services as soon as the department becomes aware that such persons have been assigned to stay at its facilities or the facilities of organizations contracting with the department or it otherwise begins to hold such reasonable belief. Such case management services shall include, but not be limited to, assistance obtaining (a) medical treatment, (b) federal, state and local government documents including, but not limited to, birth certificates, marriage licenses, and housing records, and (c) food, medicine and other necessary supplies; and shall address issues such as domestic violence, child abuse and mental illness, when needed.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on General Welfare.

Int. No. 1903

By Council Members Levin, Kallos, Brannan and Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to rental assistance eligibility requirements for street homeless individuals**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

§ 21-142 *Rental assistance for street homeless individuals. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Street homeless. The term “street homeless” means an individual who (i) is living on the street or in a place not meant for human habitation or (ii) is receiving services from the department of homeless services or the human resources administration because such individual is currently or was formerly living on the street or in a place not meant for human habitation.*

*Rental assistance program. The term “rental assistance program” means any city rental assistance program that is designed to help homeless individuals by subsidizing rent in which (i) the human resources administration or the department of homeless services determines eligibility and (ii) the program’s eligibility requirements do not require approval from an agency of the state of New York.*

*b. Rental assistance program eligibility. When an applicant’s eligibility for a rental assistance program is dependent upon being considered street homeless and having received case management services for a specified amount of time is a factor in such consideration, the department shall not require such applicant to have received case management services for more than 30 days as a precondition to such eligibility.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of social services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on General Welfare.

Int. No. 1904

By Council Members Matteo, Cabrera and Cohen.

**A Local Law to amend the New York city charter, in relation to the ability of supreme court justices in the twelfth and thirteenth judicial districts to hear objections to charter amendment petitions**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (1) of paragraph (c) of subdivision 2 of section 40 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

(1) Not less than fifty thousand qualified electors of the city may file in the office of the city clerk a petition for the submission to the electors of the city at the next general election therein held not less than sixty days after filing of such petition of such a proposed amendment or amendments to the charter to be set forth in full in the petition. The petition may be made upon separate sheets and the signatures of each shall be authenticated in the manner provided by the Election Law for the authentication of designating petitions. The several sheets so signed and authenticated when fastened together and offered for filing shall be deemed to constitute one petition. A signature made earlier than one hundred twenty days before the filing of the petition shall not be counted. If within ten days after the filing of such petition a written objection thereto be filed with the office of the city clerk, the Supreme Court or any justice thereof of the first, second, [or] eleventh, *twelfth or thirteenth* judicial district shall determine any question arising thereunder and make such order as justice may require. Such proceedings shall be heard and determined in the manner prescribed by the election law in relation to judicial proceedings thereunder.

§ 2. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 1905

By Council Members Matteo, Cabrera and Cohen.

**A Local Law to amend the New York city charter, in relation to the ability of supreme court justices in the twelfth and thirteenth judicial districts to order summary inquiries into official misconduct**

*Be it enacted by the Council as follows:*

Section 1. Section 1109 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

§ 1109. Summary inquiry. A summary inquiry into any alleged violation or neglect of duty in relation to the property, government or affairs of the city may be conducted under an order to be made by any justice of the supreme court in the first, second, [or] eleventh, *twelfth or thirteenth* judicial district on application of the mayor, the comptroller, the public advocate, any five council members, the commissioner of investigation or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty. Such inquiry shall be conducted before and shall be controlled by the justice making the order or any other justice of the supreme court in the same district. Such justice may require any officer or employee or any other person to attend and be examined in relation to the subject of the inquiry. Any answers given by a witness in such inquiry shall not be used against such witness in any criminal proceeding, except that for all false answers on material points such witness shall be subject to prosecution for perjury. The examination shall be reduced to writing and shall be filed in the office of the clerk of such county within the first, second, [or] eleventh, *twelfth or thirteenth* judicial district as the justice may direct, and shall be a public record.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1906

By Council Members Matteo and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to notify property owners ordered to repair sidewalks of existing department plans to make repairs on same sidewalks**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 19-152 of the administrative code of the city of New York, as amended by local law number 120 for the year 2018, is amended to read as follows:

c. Whenever the department shall determine that a sidewalk flag should be installed, constructed, reconstructed, or repaved, or that a vacant lot should be fenced, or a sunken lot filled or a raised lot cut down, it may order the owner of the property abutting on such sidewalk flag or the owner of such vacant, sunken or raised lot by issuing a violation order to perform such work. Such order shall provide a detailed explanation of the inspection and the sidewalk defects according to sidewalk flags including a detailed diagram of the property and defects by type. The order shall also inform the owner of the existence of the borough offices within the department together with an explanation of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter as well as a complaint and appeal process, including the right to request a reinspection and then the right to appeal by filing a notice of claim with the office of the comptroller of the city of New York and thereafter a petition for appeal and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided herein and the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed as provided herein and the location where the forms may be obtained. Such order shall specify the work to be performed, an estimate of the cost of the work to repair the defects and the order shall also specify a reasonable time for compliance, provided that the time for compliance shall be a minimum of 75 days. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate, the department shall notify the property owner of the date of reinspection at least five days prior to the reinspection date. Such inspector conducting the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection with a detailed diagram of the property and defects by type. Such order shall also advise the owner of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter and also of the right to challenge the notice of account and/or the quality of the work performed by filing a notice of claim with the office of the comptroller and thereafter a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code and specify the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed and the location where the forms may be obtained. *Prior to issuing an order pursuant to this subdivision, the department shall determine if either the department or the department of parks and recreation has any existing plans to install, construct, reconstruct, repave or repair a sidewalk flag which is the subject of the order, and if such plans exist, the order must notify the owner of such plans, except if work pursuant to such plans is scheduled to commence within 90 days then the department shall not issue such order.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1907

By Council Members Moya, Gjonaj, Brannan, Rosenthal, Gibson, Perkins, Louis, Ayala, Lander, Chin and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting third-party food delivery services from limiting the purchase prices covered establishments may charge on food and beverage orders**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

*Subchapter 22  
Third-Party Food Delivery Services*

*§ 20-845 Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

*Covered establishment. The term “covered establishment” means any food service establishment that offers, in a single commercial transaction over the internet, whether directly or through a third-party food delivery service, the sale and same-day delivery of food to customers from one or more retail locations within the city.*

*Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.*

*Online order. The term “online order” means an order placed by a customer through a platform provided by a third-party food delivery service.*

*Purchase price. The term “purchase price” means the menu price of a food order from a covered establishment. Such term therefore excludes taxes, gratuities and any other fees that may make up the total cost to the customer of a food order.*

*Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.*

*§ 20-846 Prohibited limits on purchase prices. It shall be unlawful for third-party food delivery services to, by contract or any other means, impose on covered establishments any requirement regarding the purchase prices that covered establishments may charge for food or beverages ordered through such application or through any other means.*

*§ 20-847 Penalties. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter shall be subject to a civil penalty of not less than \$1,000 per violation. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. For the purposes of this section, each calendar day during which a person is found to have violated this subchapter shall be considered a separate violation, even if such violation affects more than one covered establishment.*

*§ 20-848 Injunctive relief. In addition to any other relief available by law, the commissioner may seek any relief available under article 63 of the civil practice law and rules in a proceeding against any person alleged to be in violation of any provision of this subchapter.*

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

## Int. No. 1908

By Council Members Moya, Gjonaj, Kallos, Brannan, Rosenthal, Gibson, Ayala, Van Bramer, Rivera, Cohen, Perkins, Louis and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to per-order fees charged by third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

*Subchapter 22  
Third-Party Food Delivery Services*

*§ 20-845 Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

*Covered establishment. The term “covered establishment” means any food service establishment that offers, in a single commercial transaction over the internet, whether directly or through a third-party food delivery service, the sale and same-day delivery of food to customers from one or more retail locations within the city.*

*Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.*

*Online order. The term “online order” means an order placed by a customer through a platform provided by a third-party food delivery service.*

*Purchase price. The term “purchase price” means the menu price of an online order. Such term therefore excludes taxes, gratuities and any other fees that may make up the total cost to the customer of an online order.*

*Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.*

*§ 20-846 Per-order fees. It shall be unlawful for third-party food delivery services to charge covered establishments a fee per online order for the use of their services that totals more than 10% of the purchase price of such online order.*

*§ 20-847 Penalties. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter shall be subject to a civil penalty of not less than \$1,000 per violation. Violations shall accrue on a daily basis for each day and for each covered establishment charged a fee in violation of this subchapter or any rule promulgated pursuant to this subchapter. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*

*§ 20-848 Injunctive relief. In addition to any other relief available by law, the commissioner may seek any relief available under article 63 of the civil practice law and rules in a proceeding against any person alleged to be in violation of any provision of this subchapter.*

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

## Res. No. 1259

**Resolution calling upon the President to establish an anti-Semitism task force.**

By Council Members Powers, Deutsch, Kallos and Brannan.

**Whereas**, Over the past few years, hate crimes across the country have been increasing; and

**Whereas**, In 2017, the number of hate crimes reordored by the Federal Bureau of Investigation (FBI) had risen by 17 percent from 2016, and was the third consecutive year in which hate crimes increased; and

**Whereas**, The numbers may actually be much higher as many victims do not report to the authorities, and not all law enforcement departments report to the FBI; and

**Whereas**, This upward trend has also been witnessed in New York City; and

**Whereas**, There were 325 hate crime complaints in the City in 2017 and 353 complaints in 2018; and

**Whereas**, Although there are only data available for three quarters of 2019, the number of complaints recorded for that part of the year was already at 309; and

**Whereas**, Anti-Semitism has been a particular motivator in many of the bias and hate crimes recorded at both the federal and local level; and

**Whereas**, In 2017, for example, anti-Semitic hate crimes recorded by FBI data hit a seven year high; and

**Whereas**, Similarly, in the country's biggest cities, New York, Los Angeles and Chicago, Jewish people were the most frequent targets of hate crimes in 2019, according to analysis of data by the Center for the Study of Hate and Extremism (CSHE); and

**Whereas**, According to the CSHE report, there were 185 anti-Semitic hate crimes during 2018 in New York City and 229 in 2019; and

**Whereas**, The rise in anti-Semitic hate crimes is occurring at the same time as communities are experiencing a drop in general crime; and

**Whereas**, Last year in New York City, for instance, overall crime was at a record low in 2019, according to NYPD data, but anti-Semitic hate crimes increased by 26 percent; and

**Whereas**, Despite a general fall in violent crimes across the country, hate crimes have also become more violent; and

**Whereas**, Two recent examples exemplify the brutality and viciousness of anti-Semitic attackers; and

**Whereas**, On December 28, 2019, the seventh night of Hanukkah, five people were stabbed by an intruder who broke into the home of a Hasidic rabbi in Monsey, New York, and began attacking people; and

**Whereas**, This act of terrorism came just weeks after four people were shot and killed by two attackers, fueled by anti-Semitism, who targeted a kosher supermarket in New Jersey; and

**Whereas**, Everyone has the right to practice their religion without threat of interference or violence; and

**Whereas**, With the revival of anti-Semitism, white supremacist hate and neo-Nazism, however, this freedom is under serious threat; and

**Whereas**, White supremacist and neo-Nazi hate groups have been targeting New York City for recruiting purposes, leaving pamphlets, posters, and hanging banners in various neighborhoods; and

**Whereas**, This has made people feel threatened and unsafe in their community; and

**Whereas**, In the past, when specific communities have been made the target of hate and violence, the federal government has convened task forces to investigate; and

**Whereas**, For example, after numerous African-American churches were targeted in arson attacks between 1995 and 1996, then-President Bill Clinton established the National Church Arson Task Force; and

**Whereas**, This task force helped coordinate the local government and law enforcement responses to the arson attacks and prevention measures, which assisted communities rebuild their sense of safety; and

**Whereas**, New York City has the largest population of Jewish people in the United States; and

**Whereas**, Everyone has the right to feel safe while practicing their faith and going about their life; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the President to establish an anti-Semitism task force.



Referred to the Committee on Public Safety.

Int. No. 1909

By Council Members Reynoso and Kallos.

**A Local Law to report on article seven-c of the Multiple Dwelling Law**

*Be it enacted by the Council as follows:*

Section 1. Report on article seven-c of the multiple dwelling law. a. No later than February 1, 2021, an agency or office designated by the mayor shall issue a report to the mayor and the speaker of the council on the impacts of article seven-c of the multiple dwelling law. Such report shall include, but need not be limited to, examining the past, present, and future impacts of article seven-c on business displacement and the residential market in the city of New York, and its past and present impacts on all areas that previously included or currently include an interim multiple dwelling, as defined in article seven-c.

b. Such report shall be created in consultation with a local advisory board. Such board shall consist of seven members, including representatives as follows: two nonprofit planning and research organizations; two businesses contracted by the city to provide services to manufacturing, commercial or warehouse businesses; two manufacturing, commercial, or warehouse businesses; and one nonprofit housing advocacy organization.

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 1910

By Council Members Rivera and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to providing a loss factor standard**

*Be it enacted by the Council as follows:*

Section 1. Title 11 of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:

*Chapter 32*  
**LOSS FACTOR STANDARD**

§ 11-3201 *Reporting of certain information relating to the square footage of commercial premises by owner.*  
a. *Definitions. As used in this section, the following terms have the following meanings:*

*Commercial premises. The term “commercial premises” means any premises that is occupied or used, or could be occupied or used, for retail, manufacturing, office space, or any other non-residential purpose by a tenant pursuant to a valid commercial lease or other rental agreement.*

*Loss factor. The term “loss factor” means the difference between the rentable square footage and the usable square footage of a commercial premises.*

*Loss factor standard. The term “loss factor standard” means the standard of measurement used to calculate loss factor, rentable square footage and usable square footage.*

*Owner. The term “owner” means any owner, lessor, sublessor or other person, or an agent thereof, entitled to receive rent for the use or occupancy of any commercial premises.*

*Rentable square footage. The term “rentable square footage” means the total amount of space, expressed in square feet, that a tenant rents from an owner, including common spaces such as, but not limited to, hallways, stairwells and bathrooms, and also includes other spaces not occupied or used or that would not be occupied or used by tenants, such as shafts and mechanical rooms.*

*Usable square footage. The term “usable square footage” means the total amount of space, expressed in square feet, that a tenant occupies exclusively or would occupy exclusively pursuant to a commercial lease or other rental agreement, and does not include common spaces such as, but not limited to, hallways, stairwells and bathrooms, and does not include other spaces not occupied or used or that would not be occupied or used by tenants, such as shafts and mechanical rooms.*

*b. No later than one year after the effective date of the local law adding this section, and in each year thereafter according to a schedule that shall be established by rule of the department, every owner of a commercial premises shall submit to the department a registration statement in an electronic manner on forms prescribed by the department. Such registration statement shall include the following information:*

*1. The street address of the commercial premises, including borough, community board district, block and lot number, and zip code;*

*2. The name and contact information of the owner of such commercial premises;*

*3. The total square footage of the building containing such commercial premises;*

*4. The rentable square footage of such commercial premises;*

*5. The usable square footage of such commercial premises;*

*6. The loss factor for such commercial premises; and*

*7. The loss factor standard used to determine the loss factor for such commercial premises.*

*c. An owner who fails to file a registration statement required by this section shall be subject to the same penalty structure set forth by the department pursuant to section 11-208.1.*

*d. No later than six months after receiving registration statements required by this section, the department shall establish a public online searchable dataset based upon registrations filed during the previous year. Such dataset shall include the information required in paragraphs 1, 3, 4, 5, 6 and 7 of subdivision b.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of finance shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Res. No. 1260

**Resolution calling on Congress to pass, and the President to sign, the Taxi Medallion Loan Forgiveness Debt Relief Act of 2020, H.R.5617, amending the Internal Revenue Code of 1986 to exclude discharges of indebtedness on taxi medallions from gross income.**

By Council Members Rodriguez and Brannan.

**Whereas**, New York City has been operating a taxi medallion licensing system to regulate the taxi industry for over eighty years; and

**Whereas**, The sale price of a taxi medallion reached over \$1 million dollars in March 2014 during the height of the industry, representing an unprecedented increase in value; and

**Whereas**, In 2014, taxi medallion values began to plummet as for-hire vehicle companies entered the market and introduced a large influx of new for-hire vehicles to the streets of New York City; and

**Whereas**, In November 2019, According to the Taxi and Limousine Commission, the average sale price of a taxi medallion dropped to \$164,518; and

**Whereas**, The National Credit Union Administration’s Material Loss Review, published March 29, 2019, found that three federally insured credit unions had engaged in unsafe lending practices, predatory loan terms, and risky management policies in the taxi medallion industry; and

**Whereas,** According to the Taxi and Limousine Commission’s 2019 taxi medallion owner debt survey and the New York Taxi Workers Alliance, taxi medallion owners now face an average of approximately \$500,000 - \$600,000 in loans for medallions currently valued at approximately \$160,000; and

**Whereas,** According to the New York Times, the onerous debt has caused extreme financial hardship for many drivers, prompting over 950 taxi medallion owners to file for bankruptcy and several taxi medallion owners or drivers to take their own lives as a result of overwhelming financial troubles; and

**Whereas,** The Taxicab Medallion Sale Prices Task Force, created pursuant to Local Law 212 of 2018 to study the financial crisis in the taxi industry, recommended that a debt purchase and modification program for acquiring medallion loans and right-sizing them be used to assist overindebted medallian owners, potentially resulting in debt forgiveness for a portion of the outstanding debt; and

**Whereas,** According to a January 17<sup>th</sup>, 2020 press statement by New York Congressman Gregory Meeks, financial institutions have begun providing debt forgiveness to taxi medallion owners, yet borrowers are still faced with thousands of dollars in tax bills as debt relief can be considered taxable income pursuant to the Internal Revenue Code of 1986; and

**Whereas,** The Taxi Medallion Loan Forgiveness Debt Relief Act of 2020, H.R. 5617, which was introduced by Congressman Gregory Meeks with co-sponsorship from members of the New York City Congressional Delegation, would amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on taxi medallions from gross income; and

**Whereas,** Financial institutions such as Signature Bank, a New York-based full-service commercial bank, have publically announced their support for H.R. 5617 and committed to forgive over \$75 million of principal debt for over 250 medallion borrowers; and

**Whereas,** Federal legislation targeting income-based tax relief would provide financial assistance for thousands of embattled taxi medallion owners by allowing the retention of more earned income, alleviating indebted hardships, and improving the economic livelihoods of those struggling in this financial crisis; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on Congress to pass, and the President to sign, the Taxi Medallion Loan Forgiveness Debt Relief Act of 2020, H.R.5617, amending the Internal Revenue Code of 1986 to exclude discharges of indebtedness on taxi medallions from gross income.

Referred to the Committee on Transportation.

Int. No. 1911

By Council Members Torres, Ampry-Samuel, Ayala and Gibson.

**A Local Law in relation to the provision of information to tenants of the New York city housing authority regarding the mold ombudsperson**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Call center. The term “call center” means the ombudsperson’s call center established pursuant to the court order.

City. The term “city” means the city of New York.

Court order. The term “court order” means the court order issued on September 20, 2019 in the case Baez et al. v. New York City Housing Authority by the United States district court in the southern district of New York.

Elected officials and community representatives. The term “elected officials and community representatives” means each council member, borough president and community board in the city, each state

senator and state assembly member representing a district that is wholly or partly within the city, and each tenant organization and community-based organization identified by the office as providing services to tenants.

Mold ombudsperson. The term “mold ombudsperson” means the ombudsperson appointed pursuant to the court order or any subsequently appointed person with similar duties.

Office. The term “office” means an office or agency designated by the mayor.

Tenant. The term “tenant” means a tenant of the New York city housing authority.

§ 2. Provision of information about the mold ombudsperson. The office shall mail to each tenant a pamphlet containing information about the mold ombudsperson and the right of such tenant to contact the mold ombudsperson, including, if relevant, the phase-in dates on which the call center will become available in different areas. Such pamphlet shall include information in English and each of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York, about how to contact the mold ombudsperson, including through the call center, with a complaint about mold and what information to include in such complaint. Such pamphlet shall be provided to each person who is a tenant as of the effective date of this local law and to each elected official and community representative no later than 60 days after the effective date of this local law, and to each person who becomes a tenant after the effective date of this local law no later than 60 days after such person becomes a tenant. Thereafter, such pamphlet shall be provided to each tenant, elected official and community representative at least annually.

§ 3. Public briefing. No later than 60 days after the effective date of this local law, and at least annually thereafter, the office shall hold a public briefing for elected officials and community representatives for the purpose of providing information about the functions and responsibilities of the mold ombudsperson.

§ 4. Effective date. This local law takes effect immediately and expires and is deemed repealed on the date that the mold ombudsperson ceases to be appointed.

Referred to the Committee on Public Housing.

Preconsidered L.U. No. 637

By Council Member Salamanca:

**Application No. C 190453 HAK (Rochester Suydam) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter for the designation of an Urban Development Action Area, approval of an Urban Development Action Area Project for such area, and for the disposition of city owned property to a developer to be selected by HPD, for property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3), Borough of Brooklyn, Council Districts 36 and 41, Community District 3.**

Referred to the Committee on Land Use and the Landmarks, Public Sitings and Dispositions (preconsidered and laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 638

By Council Member Salamanca:

**Application No. 20205362 HAK (Rochester Suydam I) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article XI of the Private Housing Finance Law for an exemption from real property taxes for property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), , Borough of Brooklyn, Council Districts 36, Community District 3.**

Referred to the Committee on Land Use and the Landmarks, Public Sitings and Dispositions (preconsidered and laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 639

By Council Member Salamanca:

**Application No. 20205363 HAK (Rochester Suydam II) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article XI of the Private Housing Finance Law for an exemption from real property taxes for property located at 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3), Borough of Brooklyn, Council District 41, Community District 3.**

Referred to the Committee on Land Use and the Landmarks, Public Sitings and Dispositions (preconsidered and laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 640

By Council Member Salamanca:

**Application No. 20205357 HAM (Cooper Square MHA-Phase 1.GHPP.FY20) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of an amendment to a previously approved Resolution No. 819 (Prior Resolution) on March 28, 2019 located at Block 426, Lot 22, Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, and 45; and Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, and 59, Borough of Manhattan, Council Districts 1 and 2, Community District 3.**

Referred to the Committee on Land Use and the Landmarks, Public Sitings and Dispositions (preconsidered and approved by the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 641

By Council Member Salamanca:

**Application No. C 180154 ZMQ (52<sup>nd</sup> Street Rezoning) submitted by Woodside Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d, changing from an R5B District to an R7A District and establishing within the proposed R7A District a C2-3 District, Borough of Queens, Council District 26. Community District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered and laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 642

By Council Member Salamanca:

**Application No. N 180155 ZRQ (52<sup>nd</sup> Street Rezoning) submitted by Woodside Equities, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26. Community District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered and laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 643

By Council Member Salamanca:

**Application No. C 200059 ZMK (90 Sands Street Rezoning) submitted by 90 Sands Street Housing Development Fund pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-6 District to an M1-6/R10 District and establishing a Special Mixed Use District (MX-2), Borough of Brooklyn, Council District 33, Community District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered and laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 644

By Council Member Salamanca:

**Application No. N 200060 ZRK (90 Sands Street Rezoning) submitted by 90 Sands Street Housing Development Fund pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Council District 33, Community District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered and laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 645

By Council Member Salamanca:

**Application No. 20205193 TCQ (Sean OG's) submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sean OG Enterprises LLC d/b/a Sean OG's for a revocable consent to maintain and operate an unenclosed sidewalk café located at 6002 Woodside Avenue, Borough of Queens, Council District 26, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Friday, February 28, 2020**

Committee on Education

Mark Treyger, Chairperson

**Oversight topic:** Class Size Reduction.

**Preconsidered Res \_\_\_** - By Council Member Treyger - **Resolution** calling upon the New York State Legislature to amend state education law to prohibit reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter.

Committee on General Welfare

Stephen Levin, Chairperson

**Oversight** - Outreach NYC and Barriers to Shelter for Individuals Experiencing Homelessness.

**Int 1483** - By Council Members Levin, Levine, Brannan, Holden, Chin and The Public Advocate (Mr. Williams) - **A Local Law** in relation to a plan to accommodate pets of homeless individuals and families in the shelter system.

**Int 1484** - By Council Members Levin, Holden, Chin, Lander and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on the placement of pets whose owners enter homeless shelters.

**Int 1902** - By Council Member Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of case management services for homeless individuals.

**Int 1903** - By Council Member Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to rental assistance eligibility requirements for street homeless individuals.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....10:00 a.m.

Committee on Immigration jointly with the

Carlos Menchaca, Chairperson

Committee on Hospitals

Carlina Rivera, Chairperson

**Oversight** – ICE’s Escalated Attacks on NYC Policies Protecting Immigrants.

**Proposed Res 274-A** - By Council Member Menchaca - **Resolution** calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498), prohibiting agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word “police,” and calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

Council Chambers – City Hall.....10:00 a.m.

**New York City Council Budget and Oversight Hearings on  
The Preliminary Capital Budget for Fiscal Year 2021-2024  
The Preliminary Capital Commitment Plan for Fiscal Year 2020-2024 and  
The Fiscal 2020 Preliminary Mayor’s Management Report**

**Monday, March 2, 2020**

- 10:00 a.m.**      **Finance Committee jointly with the Subcommittee on Capital – Council Chambers – City Hall**
- 10:00 a.m.      Office of Management and Budget
- 1:00 p.m.        Comptroller
- 2:00 p.m.        Independent Budget Office
- 2:30 p.m.        Public



**Tuesday, March 3, 2020**

- 10:00 a.m. Fire and Emergency Management Committee – Council Chambers – City Hall**
- 10:00 a.m. Fire/Emergency Medical Service
- 11:00 a.m. Office of Emergency Management
- 11:45 a.m. Public
  
- 10:00 a.m. Higher Education Committee – Committee Room – City Hall**
- 10:00 a.m. City University of New York
- 12:00 p.m. Public

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

- 1:00 p.m. Land Use Committee – Council Chambers – City Hall**
- 1:00 p.m. Department of City Planning
- 3:00 p.m. Land Use Committee jointly with the Committee on Technology – Council Chambers – City Hall**
- 3:00 p.m. Department of Information, Technology & Telecommunications
- 4:00 p.m. Public

**Wednesday, March 4, 2020**

- 10:00 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – Council Chambers – City Hall**
- 10:00 a.m. Libraries
- 11:30 a.m. Department of Cultural Affairs
- 1:00 p.m. Public
  
- 10:00 a.m. Environmental Protection Committee – Committee Room - City Hall**
- 10:00 a.m. Department of Environmental Protection
- 12:30 p.m. Public
  
- 1:00 p.m. Public Safety Committee – Council Chambers – City Hall**
- 1:00 p.m. Police Department
- 4:00 p.m. Civilian Complaint Review Board
- 5:00 p.m. Public
  
- 2:00 p.m. Sanitation & Solid Waste Management Committee – Committee Room – City Hall**
- 2:00 p.m. Department of Sanitation
- 4:00 p.m. Business Integrity Commission
- 5:00 p.m. Public

**Thursday, March 5, 2020**

- 10:00 a.m. Housing and Buildings Committee – Council Chambers – City Hall**
- 10:00 a.m. Department of Buildings
- 11:00 a.m. Department of Housing Preservation and Development
- 2:00 p.m. Public

**2:00 p.m. Veterans Committee – Committee Room – City Hall**  
 2:00 p.m. Department of Veterans’ Services  
 3:00 p.m. Public

**Friday, March 6, 2019**

**10:00 a.m. Aging Committee – Council Chambers – City Hall**  
 10:00 a.m. Department for the Aging  
 11:00 a.m. Public

**12:00 p.m. Consumer Affairs and Business Licensing Committee – Committee Room – City Hall**  
 12:00 p.m. Department of Consumer Affairs  
 1:00 p.m. Public

**2:00 p.m. Small Business Committee – Council Chambers – City Hall**  
 2:00 p.m. Department of Small Business Services  
 3:30 p.m. Public

**3:30 p.m. Immigration Committee – Committee Room – City Hall**  
 3:30 p.m. Office of Immigrant Affairs  
 5:00 p.m. Public

**Monday, March 9, 2020**

**10:00 a.m. Transportation Committee - Council Chambers – City Hall**  
 10:00 a.m. MTA/NYC Transit

**11:00 a.m. Transportation Committee jointly with the Subcommittee on Capital - Council Chambers – City Hall**

11:00 a.m. Department of Transportation

**1:00 p.m. Transportation Committee - Council Chambers – City Hall**  
 1:00 p.m. Taxi and Limousine Commission  
 2:00 p.m. Public

**2:00 p.m. Hospitals Committee – Committee Room – City Hall**  
 2:00 p.m. Health + Hospitals  
 4:00 p.m. Public

**Wednesday, March 11, 2020**

**10:00 am. Economic Development Committee – Council Chambers – City Hall**  
 10:00 a.m. Economic Development Corporation  
 11:30 a.m. Public

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room –

City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions  
**See Land Use Calendar**

Adrienne Adams, Chairperson

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Friday, March 13, 2020**

**10:00 a.m. Parks & Recreation Committee – Council Chambers – City Hall**

10:00 a.m. Department of Parks & Recreation  
12:00 p.m. Public

**1:00 p.m. Public Housing Committee – Committee Room – City Hall**

1:00 p.m. New York City Housing Authority  
4:00 p.m. Public

**Monday, March 16, 2020**

**10:00 a.m. Health Committee – Council Chambers – City Hall**

10:00 a.m. Department of Health and Mental Hygiene  
12:00 p.m. Medical Examiner  
1:00 p.m. Public

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – City Hall.....10:30 a.m.

**11:30 a.m. Land Use Committee – Committee Room – City Hall**

11:30 a.m. Landmarks Preservation Commission  
12:30 p.m. Public

**1:00 p.m. Criminal Justice Committee– Committee Room – City Hall**

1:00 p.m. Department of Probation  
1:30 p.m. Department of Correction  
3:30 p.m. Board of Correction  
4:30 p.m. Public

**Wednesday, March 18, 2020**

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Jonson) made the following the comments:

The Speaker (Council Member Johnson) acknowledged the anniversaries of two events that took place on February 26<sup>th</sup>. He noted that February 26<sup>th</sup> marked the 27<sup>th</sup> anniversary of the 1993 basement bombing of the World Trade Center's North Tower that killed six individuals and injured over 1,000 others. He also noted that February 26<sup>th</sup> marked the 32<sup>nd</sup> anniversary of the 1988 killing of NYPD officer Edward Byrne, 22, who was murdered while guarding the home of an immigrant being targeted by gangs. The Speaker (Council Member Johnson) recognized that the legacy of Officer Byrne would not be forgotten.

The Speaker (Council Member Johnson) acknowledged that February 26<sup>th</sup> was commemorated by many New Yorkers as Ash Wednesday which is the beginning of Lent. He wished everyone a very peaceful Lenten season.

The Speaker (Council Member Johnson) acknowledged that the Council held its Black History Month event in the Chambers on February 25<sup>th</sup> where the accomplishments of black people in the nation and the city were celebrated. He noted that he was honored to be at the event which was attended by other Council Members as well. The Speaker (Council Member Johnson) also acknowledged that February 27<sup>th</sup> was the Dominican Republic's Independence Day. He noted that New York was stronger today because of the contributions of Dominicans and Dominican New Yorkers and he wished everyone celebrating a very Happy Independence Day.

The Speaker (Council Member Johnson) acknowledged that Davis Winslow, a senior economist in the Finance Division's Revenue Unit, was leaving the Council. Mr. Winslow was departing to assume a position with the State Division of Homes and Community Renewal. On behalf of the Council, the Speaker (Council Member Johnson) expressed his gratitude to Mr. Davis for his four years of service. He wished him good luck in his new position as those assembled in the Chambers applauded.

In recognition of the close of Black History Month, the Majority Leader and Acting President Pro Tempore (Ms. Cumbo) acknowledged the recent deaths of B. Smith and Katherine Johnson. Barbara Elaine Smith, known as B. Smith, was a model, actress, and well known restaurateur who helped inspire generations of women entrepreneurs. Katherine Johnson, who died at 101, worked as a NASA mathematician and was instrumental in the history of early American space flight. The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) also noted the recent February 24<sup>th</sup> memorial held in California commemorating the lives of late NBA legend Kobe Bryant, his daughter Gianna Bryant, and the seven other individuals who were killed in a January 26, 2020 helicopter crash.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 18, 2020.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* Due to the Corona pandemic emergency, the scheduled Stated Meetings of March 18, March 26, and April 7, 2020 were subsequently cancelled.

*Editor's Local Law Note: Int. Nos. 991-C, 1281-A, and 1408-B, all adopted at the January 23, 2020 Stated Meeting, were returned unsigned by the Mayor on February 24, 2020. These items had become law on February 23, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 33, 34, and 35 of 2020, respectively,*

*Int. Nos. 971-A, adopted by the Council at the February 11, 2020 Stated Meeting, was signed into law by the Mayor on February 26, 2020 as Local Law No. 36 of 2020.*

