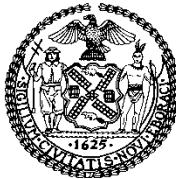


Staff: Edward Atkin, Counsel to the Committee  
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## THE COUNCIL

### **REPORT OF THE INFRASTRUCTURE DIVISION ROBERT NEWMAN, LEGISLATIVE DIRECTOR**

#### **COMMITTEE ON HOUSING AND BUILDINGS** **Jumaane D. Williams, Chair**

April 2, 2014

#### **INT. NO. 13:**

By Council Members Koslowitz, Chin, Constantinides, Koo, Levin and Palma

#### **TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to requiring the base building systems of certain buildings to be operated by individuals with a certificate in building energy efficiency from an approved program

#### **ADMINISTRATIVE CODE:**

Amends 28-308.5. Adds a new article 316 to title 28.

#### **INT. NO. 14**

By Council Members Constantinides, Koo, Levine, Palma, Johnson and Mendez

#### **TITLE:**

A Local Law to amend the New York city mechanical code, in relation to requiring analysis of heating and cooling needs during design

#### **MECHANICAL CODE:**

Amends sections 106.6, 106.8, and 312.

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| <b><u>INT. NO. 16:</u></b>         | By Council Members Levin, Chin, Koo, Palma, Williams, Johnson, Mendez and Richards  |
| <b><u>TITLE:</u></b>               | A Local Law to amend the administrative code of the city of New York, in relation to requiring insulation of existing concealed pipes exposed during alterations or repair. |
| <b><u>ADMINISTRATIVE CODE:</u></b> | Adds a new article 316 to title 28.   |
| <b><u>INT. NO. 93:</u></b>         | By Council Members Matteo, Ignizio, Gentile, Rose Richards and Rosenthal (by request of the Staten Island Borough President)  |
| <b><u>TITLE:</u></b>               | A Local Law to amend the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone areas.             |
| <b><u>ADMINISTRATIVE CODE:</u></b> | Amends section 28-101.4.3.  |
| <b><u>BUILDING CODE:</u></b>       | Amends sections 2501.1.1, 2502.1 and chapter 35.<br>Adds section 2506.3.  |
| <b><u>INT. NO. 181:</u></b>        | By Council Members Williams, Chin, Johnson, Koo, Torres and Rosenthal   |
| <b><u>TITLE:</u></b>               | A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to community board review of hotel development plans.       |
| <b><u>CHARTER:</u></b>             | Amends section 2800.  |
| <b><u>ADMINISTRATIVE CODE:</u></b> | Amends section 28-104.8.1.  |
| <b><u>INT. NO. 184:</u></b>        | By Council Members Chin, Johnson, Koo, Levine, Mendez and Rose  |
| <b><u>TITLE:</u></b>               | A Local Law to amend the administrative code of the city of New York, in relation to the allowable maximum heat loss through building walls.                                |

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| <b><u>ADMINISTRATIVE CODE:</u></b>      | Amends section 28-1001.2.   |
| <b><u>ENERGY CONSERVATION CODE:</u></b> | Amends sections 202, 502.4.3, tables 502.1.2 and 502.2(1), and, within appendix A, sections 3.2 and 5.4.3.1, and table 5.5-4. Adds new sections 502.2.3.1, 502.4.8, and, within appendix A, sections 5.4.3.5 and 5.5.3.7.                     |
| <b><u>INT. NO. 202:</u></b>             | By Council Member Koo   |
| <b><u>TITLE:</u></b>                    | A Local Law to amend the administrative code of the city of New York, in relation to public access stairways.   |
| <b><u>ADMINISTRATIVE CODE:</u></b>      | Amends section 28-101.4.3   |
| <b><u>BUILDING CODE:</u></b>            | Amends sections 403.5.3, 1002.1, 1008.1.9.10, 1020.1, 1030.3. Adds new sections 1008.1.11, 1009.15, 1022.8.5, 1030.13, and 3002.3.2.  |
| <b><u>INT. NO.203:</u></b>              | By Council Member Koo   |
| <b><u>TITLE:</u></b>                    | A Local Law to amend the administrative code of the city of New York, the New York city building code and the New York city fire code, in relation to hold-open devices and automatic closing of exit doors serving vertical exit enclosures. |
| <b><u>BUILDING CODE:</u></b>            | Amends sections 707.7, 715.3.7.3, 911.1.5, and 1022.1. Adds new sections 907.3.1 and 1022.8.5.  |
| <b><u>FIRE CODE:</u></b>                | Amends sections 703.2.2. Adds new section 907.20.7.   |
| <b><u>PRECONSIDERED INT. NO. :</u></b>  | By Council Member Levin   |
| <b><u>TITLE:</u></b>                    | A Local Law to amend the administrative code of the city of New York and the New York city energy conservation code, in relation to system commissioning.   |
| <b><u>ADMINISTRATIVE CODE:</u></b>      | Amends section 28-1001.2.   |

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| <b><u>ENERGY CONSERVATION CODE:</u></b> | Adds sections 106 and C408.  |
| <b><u>PRECONSIDERED INT. NO. :</u></b>  | By Council Member Levin  |
| <b><u>TITLE:</u></b>                    | A Local Law to amend the New York city building code, in relation to construction site lighting.   |
| <b><u>BUILDING CODE:</u></b>            | Amends sections 202 and 3302.1. Adds section 3303.2.3.1.   |
| <b><u>PRECONSIDERED INT. NO. :</u></b>  | By Council Member Mendez (by request of the Manhattan Borough President)   |
| <b><u>TITLE:</u></b>                    | A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to protecting street trees during construction activities. |
| <b><u>BUILDING CODE:</u></b>            | Amends section 3307.6.4.   |
| <b><u>ADMINISTRATIVE CODE:</u></b>      | Adds new section 19-102.1  |

### **Introduction**

On April 2, 2014, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will conduct a hearing on the above-described legislative items.

The Committee expects to hear testimony from representatives of the Department of Buildings (DOB), the Office of Long-Term Planning, industry experts, environmentalists, academics, developers, property owners, tenants, and other persons interested in this legislation.

### **Background**

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by 30% citywide by 2030.

Buildings are responsible for about 75% of our greenhouse gas emissions,<sup>1</sup> making improved building efficiency a crucial component of reaching these environmental goals.

Recognizing the important role of building performance, in July 2008 Mayor Michael Bloomberg and Speaker Christine Quinn convened the New York City Green Codes Task Force. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor's office and the Speaker's office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City's construction codes, the task force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City. Moreover, by standardizing green building practices it is believed that economies of scale will be achieved, bringing down the cost of "building green." Since the report was released, 47 of the recommendations have been incorporated into the City's laws and practices.<sup>2</sup> Most of the bills under consideration today are based upon the Green Codes Task Force's recommendations.

### **Int. No. 13**

Int. No. 13 would require the base building systems of certain buildings to be operated by individuals with a certificate in building energy efficiency from an approved program. This bill would ensure that operators of the largest buildings in New York City are trained to operate their equipment efficiently. The impact of proper operations and maintenance on building efficiency

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<sup>1</sup> Mayor's Office of Long-Term Planning and Sustainability, *Inventory of New York City Greenhouse Gas Emissions* (Sept. 2009).

<sup>2</sup> Urban Green Council, *NYC Green Codes Task Force Score Card*, available at <http://www.urbangreencouncil.org/GreenCodes>.

is significant. With proper training of building operators, building operations and maintenance can result in as much as a 35% decrease in energy consumption across a portfolio.

Bill section one amends section 28-308.5 of the administrative code by requiring that the energy efficiency report for a building include the names and qualifications of individuals holding certificates in building energy efficiency authorizing them to operate or supervise the operation of base building systems of the building.

Bill section two adds a new article 316 to chapter 3 of title 28 of the administrative code requiring building owners to ensure that persons overseeing the operations of base building systems – the building's envelope, heating, ventilation and air conditioning systems (HVAC), domestic hot water, electrical and lighting systems, and other systems that use energy or impact energy consumption – hold a certificate showing that they have received training in building energy efficiency from a program approved by the Department of Buildings (DOB). The building owner would be required to certify his or her compliance with this requirement to DOB every three years.

Buildings that would be covered by this article are the same buildings that are required to comply with the energy audit and retro-commissioning requirements set forth in article 308 of such chapter, *i.e.* buildings greater than 50,000 square feet. The bill sets forth curriculum requirements for approved programs with less stringent requirements for certain residential buildings that have less complex systems. Existing buildings would be required to comply with the law by January 1, 2017.

Bill section three sets an effective date of January 1, 2015 for the bill.

### **Int. No. 14**

Int. No. 14 would require analysis of heating and cooling needs during building design. Under current law and practices, equipment is often sized based on estimates or on the statements of equipment manufacturers. Equipment used to heat and cool buildings is often oversized, resulting in operating inefficiency. In order to specify the correct equipment for a building, heating and cooling loads must be accurately calculated and thoroughly understood. Without this information, important communication regarding the heating and cooling requirements of a building does not take place between architects, engineers, contractors, and owners. Further, building authorities cannot easily review anticipated loads or readily discern whether a building will meet energy efficiency standards.

Bill section one is a statement of findings and intent.

Bill sections two and three amend the mechanical code to require applicants for building permits that involve work on heating or cooling systems to show detailed information related to heating (section two) and cooling (section three) load calculations in the construction documents submitted to DOB.

Bill section four requires that heating and cooling system design loads for the purpose of sizing systems, appliances and equipment be determined in accordance with the New York City Energy Conservation Code.

Bill section five sets an effective date of October 1, 2014 for the bill.

### **Int. No. 16**

Int. No. 16 would require insulation of existing concealed pipes exposed during alteration or repair. Uninsulated pipes are a common problem in New York City buildings, which, by

allowing heat to escape through walls, can lead to overheating and wasted energy. The bill would reduce energy use and improve occupant comfort by ensuring that pipes exposed during alterations or repairs are properly insulated.

Bill section one adds a new article 316 to title 28 of the administrative code to require that concealed piping exposed during alterations or repairs be insulated as if it was newly installed piping. This requirement would apply to the entire length of pipe that is exposed and reasonably reachable. Exceptions are made for piping that already has insulation that is in good condition, and where the length of pipe exposed and accessible is less than three feet.

Bill section two sets an effective date of October 1, 2014 for the bill.

### **Int. No. 93**

Int. No. 93 would require the use of mold-resistant gypsum board and cement board in moisture-prone locations. Molds are known allergens, irritants, and producers of toxic substances (mycotoxins) which can trigger asthma attacks and other chronic conditions. This bill requires the use of cement board in shower areas and bath surrounds and requires the use of gypsum board or cement board with a certain mold resistance rating in specified areas where there is continuous high humidity or direct exposure to water.

Bill section one amends section 28-101.4.3 of the administrative code to add an exception stating that alterations comply with section 2506.3 of the building code relating to areas subject to moisture or water damage.

Bill section two amends section 2501.1.1 of the building code, by stating that the provisions of the chapter also apply to cement board.

Bill section three adds a definition for cement board to section 2502.1 of the building code.

Bill section four adds a new section 2506.3 to the building code that requires that the base for wall tiles in shower and bath surrounds up to 70 inches above the drain inlet is to be composed of cement board, fiber-cement or glass mat gypsum bakers that comply with certain industry standards, rather than gypsum board. In addition, any gypsum board or cement board used in certain locations, such as the walls of basements and mechanical rooms housing air conditioning equipment, ceilings beneath cold water pipes, and the walls of plumbing chases and laundry rooms, must be rated as mold resistant in accordance with an industry standard. Water resistant gypsum board that does not meet this mold-resistance standard would not be permitted.

Bill section five adds new reference standards ASTM C1288-99(2010), ASTM C1325-08b, and ASTM D3273 to the list of reference standards in chapter 35 of the building code.

Bill section six sets an effective date of January 1, 2015 for the bill.

### **Int. No. 181**

Int. No. 181 would require community board review of hotel development plans.

Bill section one would amend subdivision d of section 2800 of the New York city charter by adding a new paragraph 18 that would require community boards to conduct a public hearing on and an initial review of plans of public agencies and private entities for development of apartment hotels and transient hotels, even if the planned use of the development is as-of-right. The board's review is deemed complete after the public hearing or sixty days after an applicant submits the plan to the community board, whichever comes first.

Bill section two amends section 28-104.8.1 of the administrative code by adding a new section 5 to require that applications for construction of apartment hotels or transient hotels include a statement certifying that the community board of the district in which the property is located has completed its review of the plan.

Bill section three sets an effective date of sixty days after enactment of the bill.

### **Int. No. 184**

This bill would impose limits on heat loss through building walls. The amount of heat that can escape through a building's exterior walls has a significant impact on the building's total energy use over a long period of time. Currently, the City's Energy Conservation Code generally requires designers to minimize building heat loss. This bill would strengthen the code by further requiring that building designers specifically address two common sites of heat loss: (1) the juncture between a building's exterior walls and its foundation and (2) the space where mechanical equipment, such as an air conditioner, penetrates an exterior wall.

Bill section one is a statement of findings and intent.

Bill section two amends the energy conservation code, as incorporated by section 28-1001.2 of the administrative code, by requiring that mechanical and other wall penetrations be included when calculating the U-factor or R-value of an above grade wall (i.e. the heat loss through such wall). In addition, it requires that the air leakage of HVAC assemblies that are part of the building thermal envelope not exceed a certain amount.

Bill section three sets an effective date of July 1, 2014.

## **Int. No. 202**

This bill would require that stairways in certain buildings be publicly accessible. Locked or opaque doors inhibit the use of stairs, deterring physical activity and fitness. This bill would encourage stair use by requiring stair doors to be unlocked (while allowing for certain exceptions for security access devices), requiring signs that prompt stair use and provide floor re-entry information, and mandating that doors to public access stairs include glass.

Bill section one amends section 28-101.4.3 of the administrative code by adding a new exception 18 which states that where the cost of alteration equals or exceeds sixty percent of the value of the building, a public access stairway shall be designed in accordance with section 1009.15 of the New York city building code.

Bill section two amends section 403.5.3 of the building code to exempt public access stairway door operation from the door-locking requirements of such section.

Bill section three amends section 1002.1 of the building code by adding definitions for “public access stairway door sidelights” and “stairway, public access.”

Bill section four amends section 1008.1.9.10 of the building code to establish the circumstances in which public access stairway doors may be locked or in which access to or from the stairway may otherwise be restricted.

Bill section five adds a new section 1008.1.11 to the building code requiring that all doors serving a public access stairway have fire protection rated glazing unless there are sidelights on one or both sides of the door.

Bill section six adds a new section 1009.15 to the building code requiring that at least one public access stairway be provided in buildings or structures. Exceptions are made for buildings in which an elevator or escalator is not provided and buildings under the jurisdiction of the

Department of Education. Further, public access stairways serving certain specified spaces (e.g. jails, museums, banks) are subject to special requirements.

Bill section seven amends section 1020.1 of the building code by specifying that the use of an exit stairway as a public access stairway does not interfere with its function as a means of egress.

Bill sections eight and nine amend section 1030.3 of the building code (section eight) and add a new section 1022.8.5 (section nine) to require public access stairway identification signs on the occupied side of each door leading to a public access stairway.

Bill section ten adds a new section 1030.13 to the building code requiring that, where stair side doors provide restricted access, restricted access signs must be posted.

Bill section eleven amends adds a new section 3002.3.2 which requires a public access stairway prompt sign on each wall where an elevator call button is located.

Bill section twelve sets an effective date of January 1, 2015.

### **Int. No. 203**

This bill allows the use of hold-open devices and automatic closing of exit doors in certain stairways to encourage the use of stairs by occupants. The hold-open devices would automatically release if smoke was detected.

Bill section one amends section 707.7 of the building code by adding exceptions that allow for the automatic closing of doors serving vertical exit enclosures by smoke detection in certain buildings. Doors serving vertical exit enclosures that are permitted to be automatic closing by smoke detection are subject to certain conditions.

Bill section two amends section 715.3.7.3 of the building code to allow doors serving vertical exit enclosures to be automatic closing by smoke detection.

Bill section three adds a new section 907.3.1 to the building code requiring that all hold-open devices used in automatic closing doors be electrically supervised to monitor the integrity of the wiring connections.

Bill section four amends section 911.1.5 of the building code to require manual controls for the release of doors that are automatic closing by the actuation of smoke detectors or activation of the fire alarm.

Bill section five amends section 1022.1 of the building code to allow vertical enclosures with doors that are automatic closing to be used for travel between floors.

Bill section six adds a new section 1022.8.5 to the building code requiring that, where doors serving vertical exit enclosures are locked on the stair side, signage shall be posted.

Bill section seven amends section 703.2.2 of the fire code to require that automatic door closers for self-closing fire doors be inspected, tested, and otherwise properly maintained.

Bill section eight amends section 907.20 of the fire code by adding a new subdivision 907.20.7 setting certain requirements for the inspection and testing of fire alarm system connections for hold-open devices installed on fire doors.

Bill section nine sets an immediate effective date.

#### **Preconsidered Int. No. , in relation to system commissioning**

This bill requires building system commissioning. New building commissioning is a cost-effective strategy for reducing energy use, operational and maintenance costs, and greenhouse gas emissions. This bill would require major energy-using systems in newly

constructed buildings to be systematically tested (*i.e.* commissioned) in accordance with the International Energy Conservation Code during installation and immediately after occupancy to ensure that they are working as designed.

Bill section one amends the energy conservation code, as incorporated by section 28-1001.2 of the administrative code, by adding new sections 106 and C408. Section 106 requires commissioning of building mechanical and related systems, service water heating systems, and electrical power and lighting systems of commercial buildings. Section C408 establishes the commissioning requirement for various building systems and equipment and requires that, prior to passing a final mechanical inspection, a registered design professional must provide evidence of the required commissioning. This evidence must include a commissioning plan, systems adjusting and balancing in accordance with certain industry standards, functional performance testing, a preliminary commissioning report of test procedures and results, a systems balancing report, and a final commissioning report which is due within 18 months of the receipt of a certificate of occupancy.

Bill section two sets an effective date of July 1, 2014.

**Preconsidered Int. No. , in relation to construction site lighting**

New York City construction sites are commonly illuminated with inefficient incandescent light bulbs. This bill would set minimum illumination efficacy standards for temporary construction site lighting.

Bill sections one and two amend section 202 of the building code to add definitions for “construction lighting,” “general construction lighting,” and “safety construction lighting.”

Bill section three amends section 3303.2.3.1 of the building code by requiring that safety construction lighting and general construction lighting comply with certain requirements, including using high-efficacy lamps, being controlled by one or more master switches, and being separately circuited from general construction lighting.

Bill section four sets an effective date of July 1, 2014.

**Preconsidered Int. No. , in relation to protecting street trees during construction activities**

This bill imposes requirements to protect street trees during construction activities. While sidewalk sheds protect pedestrians during the construction, maintenance and inspection of buildings, they can cause considerable damage to trees. This bill would require that the construction of sidewalk sheds within 10 feet of a tree within the public right of way and any construction or work on a street within 10 feet of a tree be in accordance with Department of Parks and Recreation (DPR) rules governing the protection of trees during construction.

Bill section one is a statement of findings and purpose.

Bill section two amends 3307.6.4 of the building code by requiring permission from DPR before disturbing or removing a tree that is within ten feet of the public right of way during the course of constructing a sidewalk shed.

Bill section three adds a new section 19-102.1 to the administrative code, which requires that any construction work within ten feet of the jurisdiction of DPR comply with the DPR rules with respect to protecting trees during construction.

Bill section four sets an effective date of January 1, 2015.



Int. No. 13

By Council Member Koslowitz, Chin, Constantinides, Koo, Levin, and Palma

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the base building systems of certain buildings to be operated by individuals with a certificate in building energy efficiency from an approved program.

Be it enacted by the Council as follows:

Section 1. Section 28-308.5 of the administrative code of the city of New York, as added by local law number 87 for the year 2009, is amended to read as follows:

**§ 28-308.5 Contents of energy efficiency report.** Except as otherwise provided in section 28-308.7, the energy efficiency report shall include, in a format prescribed by the department, (i) the energy audit report or documentation substantiating that an exception as set forth in section 28-308.2 applies to such building, (ii) the names and qualifications of individuals holding certificates in building energy efficiency for the operation of the base building systems of the building, as required by article 316 of this chapter, and[(ii)](iii) the retro-commissioning report or documentation substantiating that an exception as set forth in section 28-308.3 applies to such building.

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 316 to read as follows:

**ARTICLE 316**

**CERTIFICATE IN BUILDING ENERGY EFFICIENCY REQUIRED FOR OPERATION  
OF BASE BUILDING SYSTEMS OF CERTAIN BUILDINGS**

**§28-316.1 Definitions.** As used in this article, the following terms shall have the following meanings:

**BASE BUILDING SYSTEMS.** Shall have the same definition as set forth in section 28-308.1 of this code.

**CITY BUILDING.** Shall have the same definition as set forth in section 28-308.1 of this code.

**COMMERCIAL BUILDING.** A covered building other than those classified in occupancy groups R and I.

**COVERED BUILDING.** Shall have the same definition as set forth in section 28-308.1 of this code.

**SUPERVISION.** Responsible control exercised over individuals in the direct employ of the owner, or in the employ of the owner pursuant to the terms of a contract to provide services to operate a covered building, by the holder of an appropriate certificate from an approved program. Such certificate holder need not be present at all times while building systems are in operation.

**OPERATE.** To control the normal functioning of a building system with responsibility for its energy use and/or energy consumption.

**RESIDENTIAL BUILDING.** A covered building classified in occupancy groups R or I.

**SIMPLE BUILDING.** Shall have the same definition as set forth in section 28-308.1 of this code.

**§28-316.2 Certificate in building energy efficiency required to operate base building systems of covered buildings.** The building owner shall ensure that the base building systems of a covered building are operated by or under the supervision of an individual who holds a current valid certificate in building energy efficiency from a program that meets the requirements of the department for the type of building being operated. The owner shall provide the name of the individual, the name of the program issuing such certificate, the expiration date of such certificate and a number or code that uniquely identifies the individual holding such certificate.

Such certificate must be kept valid and current in accordance with the renewal requirements of the applicable certification program. A copy of the certificate must be kept on file at the building and must be made available upon request to inspectors of the department. The building owner must certify compliance with this article at least once every three years in a manner set forth in the rules of the department.

**Exception:** For covered buildings that meet the requirements of section 28-308.2, exception 2, building operator certification in building energy efficiency shall not be required.

**§28-316.2.1 Residential building that is a simple building.** The certificate required for the operation of the base building systems of a residential building that is a simple building must be conferred by a program approved by the department that requires individuals to demonstrate competence, through written examination, in the areas of:

1. the building envelope;
2. heating systems;
3. ventilating systems;
4. local air conditioning systems; and,
5. at least one of the following:

5.1. central air conditioning systems;

5.2. conveying systems;

5.3. domestic hot water systems;

5.4. electrical and lighting systems;

5.5. building automation systems;

5.6. planned and preventative maintenance;

5.7. energy management; or

## 5.8.water use and conservation.

**Exception:** In residential buildings that are simple buildings where the building owner is not responsible for the maintenance of any local air conditioning systems, the certificate required by this section need not demonstrate competence in the area of local air conditioning systems.

**§28-316.2.2 Commercial buildings and residential buildings, other than residential buildings that are simple buildings.** The certificate required for the operation of the base building systems of a commercial building or for the operation of a residential building, other than a residential building that is a simple building, must be conferred by a program approved by the department that requires individuals to demonstrate competence, through written examination, in the areas of:

1. heating systems;
2. ventilating systems;
3. central air conditioning systems;
4. domestic hot water systems;
5. electrical and lighting systems; and,
6. in at least one of the following areas
  - 6.1.building envelope;
  - 6.2.conveying systems;
  - 6.3.local air conditioning systems;
  - 6.4.building automation systems;
  - 6.5.planned and preventative maintenance;
  - 6.6.energy management; or

6.7.water use and conservation.

§28-316.3 Approved programs. The department may approve programs that meet the requirements of this section and any rules promulgated by the department. The program must require the applicant to demonstrate, by written examination, competency in the areas shown in this article. The program shall require credential maintenance of the certified individual by renewal of certification no less frequently than every three years, where such recertification consists of either an exam or by completion of a minimum of six hours of continuing education classes, without requiring that such classes be provided by the certification organization or any specific organization.

§ 28-316.4. Compliance. Compliance with the provisions of this article shall be required on and after January 1, 2017 for all covered buildings.

§ 3. This local law shall take effect on January 1, 2015 except that the commissioner of buildings may promulgate rules or take other administrative actions prior to such effective date.

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1/28/2014 9:30 AM  
Int. 1181/2013



Int. No. 14

By Council Member Levin, Constanidies, Koo, Levine, Palma, Johnson, and Mendez

A LOCAL LAW

To amend the New York city mechanical code, in relation to requiring analysis of heating and cooling needs during building design.

Be it enacted by the Council as follows:

Section 1. Statement of findings and intent. The Council hereby finds and declares that equipment used to heat and cool buildings is often oversized, resulting in operating inefficiency. To size heating and cooling equipment appropriately, it is important to accurately calculate the peak heating and cooling load requirements of buildings and to thoroughly understand these loads. Some designers currently guess or use rules of thumb when calculating heating and cooling loads or rely on equipment manufacturers to provide sizing requirements. Currently, the law does not require the inclusion of detailed heating and cooling load calculations in construction documents. Without the results of detailed load calculations in construction documents, important communication about equipment size between architects, engineers, and owners may not take place. Further, building authorities cannot easily review anticipated loads or readily discern whether a building will meet energy efficiency standards without such information included in construction documents. It is the intent of the Council to ameliorate the problem of oversized heating and cooling equipment by requiring the submission of the results of peak heating and cooling load calculations in construction documents submitted to the Department of Buildings for approval.

§ 2. Section 106.6 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended to read as follows:

**106.6 Heating systems.** Construction documents for heating systems shall include [the] all of the required information set forth in items 1 through 4 of Section 106.8 of this code, and shall also include the following data and information in a combination of graphic and tabular form as prescribed by the department:

1. The temperature to be maintained in every room [and the output capacity in BTU per hour of the central heating source.];
2. The peak heating load in BTU per hour (BTU/h) in every room;
3. The peak heating load in BTU/h in every thermostatically controlled zone;
4. The peak heating load on the entire building;
5. The total output capacity in BTU/h of the central or aggregated building heating sources, such as boilers, furnaces, or heat exchangers;
6. The thermal transmission load, accounting for all exterior surfaces, thermal bridging of frames and mullions, exposed slab edges, parapets, balconies, concrete columns, steel members, and any other significant thermal connection between the conditioned space and the underground and above ground outdoor environment;
7. The ventilation load, accounting for all specified mechanical ventilation calculated with the assumption that the windows are closed;
8. The infiltration load, accounting for leakage around all doors, windows, and other envelope penetrations, and for air barriers included in the design; and
9. Any constant or permanent internal heat gains, where such heat gains are known to be present in the zone to be heated and are factored into the system design.  
Rooms within a zone that are identical with respect to the characteristics listed in this section may be calculated and reported as aggregates.

**106.6.1 Equipment sizes.** Construction documents shall indicate the output values of the equipment selected in a form prescribed by the department.

§ 3. Section 106.8 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended to read as follows:

**106.8 Air conditioning and [ventilating] ventilation systems.** Construction documents for air conditioning and [ventilating] ventilation systems shall [contain plans that] include the following data and information in a combination of graphic and tabular form as prescribed by the department:

1. The location and sizes of all ducts, coils and pipes; the location of all fire and smoke dampers, motors, fans, and filters; the type, air capacity, [and] size and output capacities of all equipment; and where not shown on accompanying structural plans, the operating weight and manner of support of equipment[.];
2. The locations of smoke detecting devices[.];
3. The location and size of the fresh air intake, the design population, and the required ventilation for each room or space[.];
4. The amount of air to be exhausted or supplied from each outlet for each room or space[.];
5. In the case of ventilating or exhaust systems for ranges, fryers, ovens, and other similar types of restaurant or bakery equipment, for which a hood is required, the plans shall also show the type of extinguishing system, the location of heat detection devices, nozzles, piping, gas controls, manual and automatic control valves, method of joining ducts, method and location of discharging exhaust from building, the location of break-glass controls, and the quantity in cfm designed for each hood[.];
6. The peak cooling load in BTU/h in every room;

7. The peak cooling load in BTU/h in every thermostatically controlled zone;
8. The peak cooling load in BTU/h on the entire building;
9. The thermal transmission load, accounting for all external opaque surfaces, thermal bridging of frames and mullions, exposed slab edges, parapets, balconies, concrete columns, steel members, and any other significant thermal connection between the conditioned space and the underground and above ground outdoor environment or any adjacent spaces that are unconditioned or with diminished air conditioning;
10. The ventilation load, accounting for the design population and required outside air in each room or space calculated with the assumption that the windows are closed;
11. The infiltration load, accounting for leakage around all doors, windows, and other envelope penetrations, and for air barriers included in the design;
12. Any internal heat gains from all relevant sources, including but not limited to lighting, appliances, equipment, and occupants; and
13. Any solar gains, based on glazing and other building characteristics relevant to exterior transparent surfaces.

Rooms within a zone that are identical with respect to the characteristics listed in this section may be calculated and reported as aggregates.

**106.8.1 Equipment sizes.** Construction documents shall indicate the output values of the equipment selected in a form prescribed by the department.

§ 4. Section 312 of the New York city mechanical code, as amended by local law number 85 for the year 2009, is amended to read as follows:

**312.1 Load calculations.** Heating and cooling system design loads for the purpose of sizing systems, appliances and equipment shall be determined in accordance with the procedures

described in the ASHRAE Handbook of Fundamentals and the New York City Energy Conservation Code. Peak loads for commercial buildings shall be determined in accordance with Section 503 of the *New York City Energy Conservation Code*. Peak loads for residential buildings, as defined in Chapter 2 of the *New York City Energy Conservation Code*, shall be determined in accordance with Section 403 of the *New York City Energy Conservation Code* or the ASHRAE Handbook of Fundamentals. Heating and cooling loads shall be adjusted to account for load reductions that are achieved when energy recovery systems are utilized in the HVAC system in accordance with the ASHRAE Handbook - HVAC Systems and Equipment. [Alternatively, design loads shall be determined by an approved equivalent computation procedure, using the design parameters specified in Chapter 3 of the *Energy Conservation Construction Code of New York State*.] Heating and cooling system design loads for the purpose of sizing systems, appliances and equipment shall also comply with the requirements of Section 1204 of the *New York City Building Code*.

**312.2 Equipment sizing.** Heating, cooling, and ventilation system equipment shall be sized in accordance with the *New York City Energy Conservation Code*.

§ 5. This local law shall take effect October 1, 2014, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JCH  
1/27/2014 12:28 PM



Int. No. 16

By Council Members Levin, Chin, Koo, Palma, Williams, Johnson, Mendez and Richards

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring insulation of existing concealed pipes exposed during alterations or repair.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding a new article 316 to read as follows:

**ARTICLE 316**  
**INSULATION OF CONCEALED PIPES EXPOSED DURING ALTERATION OR**  
**REPAIR**

**§ 28-316.1 Required insulation of certain concealed piping exposed during alteration or repair.** Where concealed existing piping is exposed in the course of the alteration or repair of a building, the owner of the building shall provide for the insulation of the exposed piping. The exposed piping shall be insulated to the extent required by section 403.3, 403.4, 503.2.8 or 504.5 of the New York city energy conservation code for newly installed pipe of the same specifications and serving the same function as the exposed pipe. The entire exposed length of the piping shall be insulated as well as any further length of concealed pipe that can be directly accessed through openings made in the course of such alteration or repair.

**Exceptions:**

- 1. Exposed pipe with one-inch (25-mm) thick continuous coverage of existing insulation in good condition.**
- 2. Where the length of concealed pipe which may be directly accessed through openings made in the course of such alteration or repair is less than 3 feet (914 mm).**

§2. This local law shall take effect October 1, 2014, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.



Int. No. 93

By Council Members Matteo, Ignizio, Gentile, Rose, Richards and Rosenthal (by request of The Staten Island Borough President)

A LOCAL LAW

To amend the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.3 of the administrative code of the city of New York, as amended by Local Law 141 of 2013, is amended to add a new exception 14, to read as follows:

14. Mold protection. Alterations shall comply with Section 2506.3 of the New York city building code relating to areas subject to moisture or water damage.

§ 2. Section 2501.1.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**2501.1.1 General.** Provisions of this chapter shall govern the materials, design, construction and quality of gypsum board, lath, gypsum plaster, [and] cement plaster, and cement board.

§ 3. Section 2502.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding the following definition, to be placed in appropriate alphabetical order:

**CEMENT BOARD.** A fiberglass reinforced cementitious panel most commonly used under flooring or as a tile backing board.

§ 4. Chapter 25 of the New York City building code, as added by local law number 33 for the year 2007, is amended by adding a new section 2506.3 to read as follows:

**2506.3 Gypsum and cement board in areas subject to water or moisture damage.** Gypsum and cement board shall comply with Sections 2506.3.1 and 2506.3.2.

**2506.3.1 Cement board only.** The base for wall tile or wall panels in all shower and bath surrounds up to 70 inches (1778 mm) above the drain inlet shall be composed of cement board, fiber-cement or glass mat gypsum backers in compliance with ASTM C1178, C1288, or C1325 and installed in accordance with manufacturer recommendations. Gypsum board shall not be permitted in such locations.

**2506.3.2 Mold resistance.** In the uses shown below, any gypsum board or cement board shall be rated as mold resistant (rating of 10) in accordance with ASTM D3273. Water-resistant gypsum board (“greenboard”) that does not meet this mold-resistance standard shall not be permitted. Such areas shall include, but not be limited to, the following:

1. walls of basements and other below grade rooms;
2. walls of mechanical rooms and closets housing air conditioning equipment;
3. rear walls of fan coil/unit ventilator type HVAC unit chases;
4. ceilings beneath cold water pipes;
5. ceilings beneath air handlers in ceiling plenums;
6. ceilings in bathrooms that do not contain a shower area;
7. walls of plumbing chases;
8. walls of laundry rooms;
9. walls beneath kitchen sinks and splash areas above sinks;
10. walls behind kitchen stoves;
11. walls of bathrooms that are not solely water closet compartments, other than walls specifically required to be cement board; and
12. walls and ceilings in maintenance rooms and service sink rooms.

§ 5. The list of ASTM referenced standards in chapter 35 of the New York city building

code is amended by adding new reference standards “ASTM C1288 – 99(2010)”, “ASTM C1325 – 08b” and “ASTM D3273 – 12” to read as follows:

# **ASTM**

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

| Standard reference title | Title  |
|--------------------------|--|
| <u>C 1288 – 99(2010)</u> | <u>Standard Specification for Discrete Non-Asbestos Fiber-Cement Interior Substrate Sheets</u>                               |
| <u>C 1325 – 08b</u>      | <u>Standard Specification for Non-Asbestos Fiber-Mat Reinforced Cementitious Backer Units</u>                                |
| <u>D 3273 – 12</u>       | <u>Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber</u> |

§ 6. This local law shall take effect on January 1, 2015, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JCH  
2/20/2014  
LS 622  
Int. 1184-2013



Int. No. 181

By Council Members Williams, Chin, Johnson, Koo, Torres and Rosenthal

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to community board review of hotel development plans.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 2800 of the New York city charter is amended by renumbering the paragraphs 18, 19, 20, and 21 as paragraphs 19, 20, 21, and 22, respectively, and by adding a new paragraph 18 to read as follows:

(18) Exercise the initial review of plans of public agencies and private entities for development of apartment hotels and transient hotels, as defined in the zoning resolution of the city of New York, located in the community district. Such review shall occur even if the planned use of the development is permitted as-of-right in the applicable zoning district, and shall include the conduct of a public hearing. Such review shall be deemed to be completed immediately after such a public hearing, or sixty days after the applicant submits the plan to the community board, whichever comes first.

§2. Section 28-104.8.1 of the administrative code of the city of New York is amended by adding a new item 5 to read as follows:

5. In applications for construction of apartment hotels or transient hotels, as defined in the zoning resolution of the city of New York, a statement certifying that the community board of the district in which the property is located has completed their review of the plan in accordance with paragraph 18 of subdivision d of section 2800 of the New York city charter.

§3. This local law shall take effect sixty days after its enactment.

TBD  
Int. 861/2012  
LS 120/2014  
2/3/2014 3:18 PM



Int. No. 184

By Council Members Chin, Johnson, Koo, Levine, Mendez and Rose

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the allowable maximum heat loss through building walls.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The thermal performance of the exterior walls of a building has a significant impact on the energy use of the building over a long period of time. This is because the building envelope is replaced infrequently, unlike other energy systems, such as lighting or HVAC equipment, that have much shorter useful lives. Presently, the national model energy codes do not explicitly require the designer to account for certain common thermal bridges in buildings, including floor slabs, shelf angles and mechanical wall penetrations.

The proposed legislation mandates heightened thermal performance of exterior walls by requiring (1) inclusion of thermal bridging of exterior walls at floor slabs and mechanical equipment penetrations as part of the calculation of the U-factor of the opaque wall, and (2) minimization of air leakage at mechanical penetrations.

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

Chapter 2 -- Definitions

Section 202

Add a new definition of “Mechanical wall penetration” after the definition of “Manual,” to read as follows:

MECHANICAL WALL PENETRATION. An opening in an *exterior wall* filled by a piece of heating, ventilating and/or air conditioning (HVAC) equipment.

Add a new definition of “Window wall” after the definition of “Ventilation air,” to read as follows:

WINDOW WALL. Panelized cladding or *fenestration* products used to create an external nonload-bearing wall that is designed to separate the exterior and interior environments and that rests on the floor slab instead of hanging from it.

## Chapter 5 – Commercial Energy Efficiency

**Table 502.1.2** Add after “Metal framed” the following symbol: <sup>b</sup>

Add after “Walls, Above Grade” the following symbol: <sup>c</sup>

Add after the table 502.1.2 footnotes to read as follows:

<sup>b</sup> The opaque elements of *curtain walls* and *window walls*, including spandrel panels, are included in this category. Horizontal framing members between opaque elements and vision glazing must be included in the *fenestration* calculation (See Section 502.3).

<sup>c</sup> Slab edges and shelf angles must be included in all *above grade wall U-factor* calculations. Exposed slab edges are to be considered mass walls with a horizontal dimension equal to the horizontal dimension of the thicker of the adjacent *exterior walls*.

**Table 502.2(1)** Add after “Metal framed” the following symbol: <sup>f</sup>

Add after “Walls, Above Grade” the following symbol: <sup>g</sup>

Add after the table 502.2(1) footnotes to read as follows:

<sup>f</sup> The opaque elements of *curtain walls* and *window walls*, including spandrel panels, are included in this category. Framing members for vision glazing and framing members between opaque elements and vision glazing are not included as part of the opaque assembly.

<sup>g</sup> In this table slab edges and shelf angles are considered to be part of the opaque assembly. Where continuous insulation is required, the c.i. must cover all exposed surfaces of the slab and must not be interrupted by a shelf angle, even if the slab edge is the only opaque wall element. Exposed slab edges are to be considered mass walls with a horizontal dimension equal to the horizontal dimension of the thicker of the adjacent exterior walls.

Add a new Section 502.2.3.1 to read as follows:

**502.2.3.1 Mechanical wall penetrations in above grade walls.** The *U-factor* and/or *R-value* of mechanical wall penetrations and other wall penetrations, including intake or exhaust louvers, HVAC equipment, and the through-the-wall sleeves built into the wall into which the equipment is inserted, must be included when calculating the *U-factor* or *R-value* of the total wall assembly of an *above grade wall* in determining compliance with either Table 502.2(1) or Table 502.1.2.

**502.2.3.1.1 Determination of U-factors and R-values for mechanical wall penetrations in above grade walls.** The *U-factor* of a *mechanical wall penetration*, including the HVAC equipment, louvers, and the through-the-wall sleeve built into the wall into which the equipment is inserted, shall be assumed to be 0.5 Btu/hr-ft<sup>2</sup>-°F (or an *R-value* of 2.0 hr-ft<sup>2</sup>-°F/Btu), or as certified by the manufacturer in accordance with standards established by rules of the department.

**502.4.3** Add a new item 5 to read as follows:

5. Through-the-wall penetrations for mechanical equipment and intake or exhaust louvers shall be sealed between the sleeve and the adjacent wall assembly to maintain the integrity of the continuous air barrier.

Add a new Section 502.4.8 to read as follows:

**502.4.8 HVAC assemblies in *mechanical wall penetrations*.** The air leakage of HVAC assemblies, comprising both the HVAC unit itself and the wall sleeve into which it is inserted, that are part of the *building thermal envelope*, shall not exceed 0.2 cfm/sq. ft. of penetration area at a pressure of at least 1.57 pounds per square foot (psf) (1.0 L/s/m<sup>2</sup> of penetration area). Installations are subject to inspection in accordance with the rules of the department.

## **Appendix A – Modified Energy Standard**

### **Chapter 3 – Definitions, Abbreviations, and Acronyms**

**3.2** Add a new definition “curtain wall” after “cooling design wet-bulb temperature” to read as follows:

**curtain wall:** *fenestration* products used to create an external nonload-bearing wall that is designed to separate the exterior and interior environments.

Add a new definition “mechanical wall penetration” after “mechanical cooling” to read as follows:

**mechanical wall penetration:** an opening in an exterior wall filled by a piece of heating, ventilating and/or air conditioning (HVAC) equipment.

Add a new definition “window wall” after “water heater” to read as follows:

**window wall:** panelized cladding or *fenestration* products used to create an external nonload-bearing wall that is designed to separate the exterior and interior environments and that rests on the floor slab instead of hanging from it.

## **Chapter 5 – Building Envelope**

**5.4.3.1** Reletter item g as item h and add a new item g to read as follows:

g. **mechanical wall penetrations**

Add a new Section 5.4.3.5 to read as follows:

**5.4.3.5 HVAC Assemblies in Mechanical Wall Penetrations.** The air leakage of HVAC assemblies, comprising both the HVAC unit itself and the wall sleeve into which it is inserted, that are part of the *building envelope*, shall not exceed 0.2 cfm/sq. ft. of penetration area at a pressure of at least 1.57 pounds per square foot (psf) (1.0 L/s/m<sup>2</sup> of penetration area).

Add a new Section 5.5.3.7 to read as follows:

**5.5.3.7 Mechanical Wall Penetrations.** The *U-factor* of any *mechanical wall penetration*, including HVAC equipment and the through-the-wall sleeve built into the wall into which the equipment is inserted, must be included when calculating the *U-factor* of the total wall assembly of an *above-grade wall* in determining compliance with Table 5.5-4. Where thermal performance data are not available, the *U-factor* of the penetration, including the HVAC unit and the through-the-wall sleeve, shall be assumed to be 0.5 Btu/hr-ft<sup>2</sup>-°F (or an *R-value* of 2.0 hr-ft<sup>2</sup>-°F/Btu ).

**Table 5.5-4** Add after “Walls, Above-Grade” the following symbol: <sup>e</sup>

Add after “Steel-Framed” the following symbols: <sup>f</sup> and <sup>g</sup>

Add after the table 5.5-4 footnotes to read as follows:

<sup>e</sup> Slab edges must be included in all *above-grade wall U-factor* calculations. Exposed slab edges are to be considered *mass walls* with a horizontal dimension equal to the horizontal dimension of the thicker of the adjacent exterior walls.

<sup>f</sup> *Curtain wall* and *window wall* opaque elements, including spandrel panels, are included in this category.

<sup>g</sup> In this table slab edges are considered to be part of the opaque assembly. Where continuous insulation is required, the c.i. must cover all exposed surfaces of the slab even if the slab edge is the only opaque wall element.

§ 3. This local law shall take effect on January 1, 2015 except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. 1178/2013  
LS# 978  
JCH  
3/6/14

Int. No. 202

By Council Member Koo

A Local Law to amend the administrative code of the city of New York, in relation to public access stairways.

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.3 of the administrative code, as amended by local law 141 for the year 2013, is amended to add a new exception 18, to read as follows:

**18. Alterations requiring compliance with public access stairway provisions.** Where the cost of alteration equals or exceeds 60 percent of the value of the building, a public access stairway shall be designated in accordance with Section 1009.15 of the New York city building code and compliance with Section 1009.15 shall be required. Such stairway shall be subject to special provisions for prior code buildings as set forth in such section. For the purposes of this exception, the cost of alterations shall be determined by adding the estimated cost of the proposed alteration, excluding minor alterations and ordinary repairs, computed as of the time of submitting the application for construction document approval, to the actual cost of any and all alterations made in the preceding 12-month period. Where the proposed alteration includes an enlargement, the value of such alteration shall include the cost of the enlargement.

§2. Section 403.5.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**403.5.3 Stairway door operation.** Doors opening into interior stair enclosures shall not be locked from either side. However, a door locked from the stair side may be permitted provided that such door is equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center. Such door shall be deemed as openable from the stair side. Stair reentry signs shall be posted throughout the stairway indicating that reentry is provided only during fire emergencies. Such signs shall be in accordance with Section 1030.4.2.

**Exception:** Public access stairway door operation shall comply with Section 1008.1.9.10.

§3. Section 1002.1 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding two new definitions, in alphabetical order, to read as follows:

**PUBLIC ACCESS STAIRWAY DOOR SIDELIGHTS.** Fixed transparent panels, which form part of a fire door assembly and are immediately adjacent to the vertical edge of an opening in which a public access stairway door is located.

**STAIRWAY, PUBLIC ACCESS.** A continuous interior stairway that complies with Section 1009.15 and enables building occupants to utilize stairs to travel between the building entrance level and other levels.

§4. Section 1008.1.9.10 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**1008.1.9.10 Stairway doors.** Interior stairway means of egress doors, including public access stairway doors, shall be openable from both sides without the use of a key or special knowledge or effort.

**Exceptions:**

[1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Section 403.5.3.

3. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. This section shall not apply to buildings permitted to be served by one exit in accordance with Item 4 or 5 of Section 1021.2.]

1. Doors serving interior stairways, other than public access stairways, under the following conditions:

1.1 Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

1.2 This section shall not apply to doors arranged in accordance with Section 403.5.3.

1.3 In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

1.4. In buildings five stories in height or more but not subject to Section 403, any door locked from the stair side of an interior stairway shall be equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center.

1.5 This section shall not apply to buildings permitted to be served by one exit in accordance with Item 4 or 5 of Section 1021.2.

2. Doors serving public access stairways, under the following conditions:

2.1 On levels other than the building entrance level, where access to the level from the elevator is restricted to individuals by use of security devices, such as keys, codes, or card key access, doors serving a public access stairway on such levels may be locked from the egress side provided any such door shall be openable by such individuals using the same security devices. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side.

2.2 On the building entrance level, where access to all other levels from the elevator is restricted to individuals by use of security devices, such as key, codes, or card key access, access to the public access stairway on the building entrance level may be locked on the side opposite the egress side, provided any such door shall be openable by such individuals using the same security devices. Public access stairway discharge doors shall be openable from the egress side.

2.3 In buildings five stories in height or more, any door serving a public access stairway that is permitted to be locked shall be equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center. In stairways serving not more than four stories, any door serving public access stairway that is permitted to be locked must be capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

**1008.1.9.10.1 Interior Stairways.** Interior stairways that are designated as public access stairways in prior code buildings that are subject to this section pursuant to item 18 of Section 28-101.4.3 of the *Administrative Code* shall comply with Section 1008.1.9.10, notwithstanding any provisions of sections 27-371(j)(b)(2), (3), or (4) of the 1968 building code that previously permitted doors to be locked from the stair side.

§5. Section BC 1008 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 1008.1.11, to read as follows:

**1008.1.11 Glazing in Doors.** All doors serving a public access stairway required by Section 1009.15 shall have fire-protection rated glazing in accordance with Section 715.3.4.1. Such glazing shall be at least 10 square feet (3050 square mm) in area for such doors at the building entrance level and at least 7 square feet (2135 square mm) in area for all other doors. Such glazing may be of any width, however, a portion shall be located between 4 feet (1,220 mm) and 6 feet (1,830 mm) above the finished floor landing.

Exception: Glazing in doors shall not be required where Public Access Stairway Door Sidelights are provided on one or both sides of a door serving a public access stairway. The combined area of such sidelights must be equal to or greater than the square footage required for glazing in doors pursuant to Section 1008.1.11. Such sidelights may be of any width, however, a portion shall be located between 4 feet (1,220 mm) and 6 feet (1,830 mm) above the finished floor landing.

§6. Section BC 1009 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new Section 1009.15, to read as follows:

**1009.15 Public Access Stairway.** At least one public access stairway in compliance with Sections 715.4, 1008.1.9.10, 1008.1.11, 1022.8.5, 1030.3, and 1030.13 shall be provided in buildings or structures. All levels within a building or structure shall have access to at least one public access stairway.

Exceptions:

1. Buildings in which an elevator or escalator is not provided.

2. Buildings or portions of buildings in occupancy group E under the jurisdiction of the New York City Department of Education.

3. Public access stairway doors serving the following spaces:

3.1 Doors in places of detention or restraint that are permitted to be locked pursuant to item 1 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code.

3.2 Doors in banks, jewelry stores and other places where extra safeguards are required that are permitted to be locked pursuant to item 2 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code, subject to the approval of the commissioner.

3.3 Doors in museums that are permitted to be locked pursuant to item 2 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code, subject to the approval of the commissioner and the Fire Commissioner.

3.4 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the *Administrative Code*, doors opening directly into a dwelling unit or tenant's space without an intervening hall, vestibule or corridor.

3.5 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the *Administrative Code*, doors that are permitted to be locked to prevent access to the stair at the street floor pursuant to section 27-371(j)(1)(b)(1) of the 1968 building code.

3.6 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the *Administrative Code*, doors providing access to the roof that are permitted to be locked pursuant to section 27-371(j)(1)(a)(3) of the 1968 building code.

**1009.15.1 Entry location.** Where the common entrance area at the building entrance level provides direct access to an elevator, direct access to a public access stairway shall also be provided within the same common entrance area.

Exception for prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the *Administrative Code*: Where the common entrance area at the building entrance level provides direct access to an elevator, but does not provide direct access to a stairway within such area, compliance with the provisions of Section 1009.15.1 regarding providing direct access to a public access stairway in the common entrance area shall not be required. Instead, the stairway with an opening closest to such common entrance area shall be designated the public access stairway.

**1009.15.1.1 Stairways.** Stairways that are permitted to be unenclosed from the building entrance level pursuant to Section 1022.1 shall be permitted to serve as a portion of a public access stairway, provided that the top of such stairway has direct access to a public access stairway to the upper levels.

**1009.15.2 Roof top access.** In a building where access to the roof is provided by an elevator, such roof shall also be served by a public access stairway.

Exception: Where doors are permitted to be locked pursuant to Section 1008.1.9.3, Item 6.

**1009.15.3 Multiple occupancies.** Where multiple tenant spaces are not served by a common elevator, such tenant spaces shall be permitted to be served by separate public access stairways, provided that each such stair has access at the building entrance level.

§7. Section 1020.1 of the New York city building code, as amended by Local Law 141 of 2013, is amended to read as follows:

**1020.1 General.** Exits shall comply with Sections 1020 through 1026 and the applicable requirements of Sections 1003 through 1013. An exit shall not be used for any purpose that interferes with its function as a means of egress. The use of an exit for access between floors of a public access stairway in accordance with Section 1009.15 shall not be deemed to interfere with its function as a means of egress. Once a given level of exit protection is achieved, such level of protection shall not be reduced until arrival at the exit discharge.

§8. The New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new Section 1022.8.5, to read as follows:

**1022.8.5 Public access stairway identification sign.** A public access stairway identification sign shall be provided on the occupied side of each door leading to a public access stairway, in accordance with the rules of the Department of Health and Mental Hygiene. Signs shall be mounted on the wall surface directly adjacent to the latch-side of the door, such that in no case shall there be more than 6 inches (152.4 mm) from the door to the edge of the sign. Where the wall surface directly adjacent to the latch side is too narrow to accommodate the sign, the sign may be placed on the adjacent perpendicular wall. The top of such sign shall be located no higher than 5 feet (1,525 mm) above the finished floor. Such signs shall comply with Section E107.3.

§9. Section BC 1022 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**1030.3 Stairway and elevator identification signs.** Stairway floor number and stairway identification signs shall be provided in accordance with Section 1022.8. Elevator identification and emergency signs shall be provided in accordance with Section 3002.3. A public access stairway identification sign shall be provided in accordance with Section 1022.8.5. Stair prompt signs shall be provided in accordance with Section 3002.3.2. Where stair side doors provide restricted access in accordance with Section 1008.1.9.10, signs shall be posted in accordance with Section 1030.13.

§10. Section BC 1030 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 1030.13, to read as follows:

**1030.13 Public access stairway, restricted access list.** Where stair side doors provide restricted access in accordance with Section 1008.1.9.10, restricted access list signs shall be posted and maintained on the stair side at all public access stair doors at every floor. Such signs shall read: "DOORS TO THE FOLLOWING FLOORS ARE OPENABLE USING SECURITY DEVICES:...ALL OTHER DOORS ARE FULLY OPENABLE". Such signs shall comply with Section E107.3. In buildings where free access is provided on every floor, no such sign is required.

§11. Section BC 3002 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 3002.3.2, to read as follows:

**3002.3.2 Public Access Stairway Prompt.** A public access stairway prompt sign shall be posted and maintained on each wall where an elevator call button is located, in accordance with the rules of the Department of Health and Mental Hygiene. The contents of the sign shall comply with the rules of the Department of Health and Mental Hygiene. Signs shall be mounted on the

wall surface directly adjacent to the elevator call station. Where there are two or more elevators, signs shall be centrally mounted on the wall between such elevators. The top of such sign shall be located no higher than 5 feet (1,525 mm) above the finished floor. Such signs shall comply with Section E107.3.

§12. This local law shall take effect on January 1, 2015 except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. 1112/2013  
LS# 1054  
JCH  
3/12/14



By Council Member Koo

A Local Law to amend the administrative code of the city of New York, the New York city building code and the New York city fire code, in relation to hold-open devices and automatic closing of exit doors serving vertical exit enclosures.

Be it enacted by the Council as follows:

Section 1. Section 707.7 of the New York city building code, as added by local law 33 for the year 2007, is amended to read as follows:

**707.7 Openings.** Openings in a shaft enclosure shall be protected in accordance with Section 715 as required for fire barriers. Such openings shall be self-closing or automatic-closing by smoke detection. Automatic-closing by smoke detection is not permitted for required [vertical exit] doors serving vertical exit enclosures.

**Exceptions:** For buildings other than those in Occupancy Group H, doors serving vertical exit enclosures shall be permitted to be automatic-closing by smoke detection in the following buildings, provided the automatic closing of such openings complies with Section 707.7.2:

1. Buildings that are not classified as high-rise pursuant to Section 403.1 of this code or Section 27-232 of the *Administrative Code* and that are equipped with a fire alarm system; or
2. Buildings, regardless of height, that are equipped with fire alarm systems and automatic sprinkler systems throughout; or
3. High-rise office buildings 100 feet or more in height that are equipped with fire alarm systems, and are subdivided into compartments pursuant to Section 27-339(c) of the *Administrative Code*.

**707.7.1 Prohibited openings.** Openings other than those necessary for the purpose of the shaft shall not be permitted in shaft enclosures.

**707.7.1.1 Existing buildings.** Nothing in Section 28-101.4.4 shall preclude the use of automatic-closing by smoke detection for exit doors serving vertical exit enclosures in existing buildings, provided such automatic closing complies with Section 707.7.

**707.7.2 Automatic closing of doors by smoke detection.** Doors serving vertical exit enclosures permitted to be automatic-closing by smoke detection shall be subject to the following conditions:

1. No more than one vertical exit enclosure in a building shall be permitted to be served by doors that are automatic-closing by smoke detection.
2. Such doors shall be permitted to serve not more than three levels within such vertical exit enclosure, which must be consecutive levels.
3. All levels served by such doors shall be served by at least one other exit.
4. Such doors shall be connected to a fire alarm system and installed in accordance with Section 715.3.7.3 and NFPA 80.
5. The hold-open devices of such doors shall be capable of manual release either (i) at a fire alarm control panel that is near the main building entrance, or (ii) at the fire command center when a fire command center is required.
6. The hold-open devices of such doors shall be capable of manual release by pulling the doors to the closed position.

§2. Section 715.3.7.3 of the New York city building code, as added by local law 33 for the year 2007, is amended by adding a new item 7 to read as follows:

7. Doors serving vertical exit enclosures that are permitted to be automatic-closing by smoke detection pursuant to the exception set forth in Section 707.7.

§3. Section 907.3 of the New York city building code, as added by local law 141 for the year 2013, is amended by adding a new section 907.3.1 to read as follows:

**907.3.1 Monitoring of hold-open devices and closers.** All hold-open devices used in automatic-closing doors pursuant to Section 707 shall be electrically supervised to monitor the integrity of the wiring connections among the fire alarm system, the smoke detection system, and the hold-open devices.

§4. Section 911.1.5 of the New York city building code, as added by local law 141 for the year 2013, is amended by adding a new item 8 to read as follows:

8. Manual controls for the release of doors that are automatic-closing by the actuation of smoke detectors or activation of the fire alarm in accordance with Section 707.7.2.

§5. Section 1022.1 of the New York city building code, as renumbered and amended by local law 141 for the year 2013, is amended by adding a new Exception 8 to read as follows:

8. Vertical exit enclosures with doors that are automatic-closing by smoke detection pursuant to the exception set forth in Section 707.7 may be used for travel between floors and this use shall not be deemed to interfere with function as a means of egress.

§6. Section 1022.8 of the New York city building code, as renumbered and amended by local law 141 for the year 2013, is amended by adding a new section 1022.8.5 to read as follows:

**1022.8.5 Directions to openable doors.** Where doors serving vertical exit enclosures are locked on the stair side, signage shall be posted in compliance with Sections 1030.4.1, 1030.4.2 and 1030.4.3.

§7. Section 703.2.2 of the New York city fire code, as added by local law 26 for the year 2008, is amended to read as follows:

**703.2.2 Hold-open devices and automatic door closers.** Hold-open devices for fire doors and automatic door closers for self-closing fire doors, where provided, shall be inspected, tested, and otherwise maintained in accordance with Sections 703.2 and 907.20. During the period that such hold-open device is out of service for repairs, the door it operates shall remain in the closed position.

§8. Section 907.20 of the New York city fire code, as amended by local law 148 for the year 2013, is amended by adding a new subdivision 907.20.7 to read as follows:

**907.20.7 Hold-open devices.** The fire alarm system connections for hold-open devices installed on fire doors pursuant to the Building Code, including hold-open devices provided for vertical exit enclosure doors pursuant to the exception to Section 707.7 of the Building Code, shall be inspected, tested and otherwise maintained in accordance with Sections 703.2 and 907.20 and NFPA 72. Hold-open devices and automatic door closers provided for such vertical exit enclosure doors shall be inspected and tested annually to ensure the proper functioning of:

1. the manual control on the fire alarm system control panel, or the fire command center where a fire command center is required, that transmits a signal to release the hold-open devices;
2. the fire alarm system output programming, which automatically transmits a signal to release the hold-open devices upon activation of an automatic alarm initiating device or manual elevator recall;
3. the circuitry for each hold-open device, which upon receipt of a manual or automatic signal, releases the door; and
4. each automatic door closer, which, upon release of the door by the hold-open device, mechanically moves the door to its fully closed position.

§ 9. This local law shall take effect immediately.

Int. 1113/2013  
LS# 1055  
JCH  
3/12/14

Preconsidered Int. No.

By Council Member Levin

## A LOCAL LAW

To amend the administrative code of the city of New York and the New York city energy conservation code, in relation to system commissioning.

Be it enacted by the Council as follows:

Section 1. Section 28-1001.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2011, is amended by adding the following New York city amendment to Chapter 1 of the 2010 energy conservation construction code of New York state:

### SECTION ECC 106

#### SYSTEM COMMISSIONING OF COMMERCIAL BUILDINGS

106.1 General. Notwithstanding any other provision of this code, mechanical and related systems, service water heating and electrical power and lighting systems of commercial buildings shall be commissioned in accordance with Section C408 of the 2012 edition of the International Energy Conservation Code (IECC) published by the International Code Council Inc., as set forth in Section 106.2.

106.2 New York city modifications. Section C408 of the 2012 edition of the International Energy Conservation Code (IECC) published by the International Code Council, Inc., with changes that reflect the unique character of the city, is hereby adopted to read as follows:

### SECTION C408

#### SYSTEM COMMISSIONING

C408.1 General. This section covers the commissioning of building mechanical and related systems, service water heating systems and electrical power and lighting systems of commercial buildings that comply with the provisions of the New York City Energy Conservation Code.

Commercial buildings that comply with ASHRAE/IESNA 90.1 as modified by the New York City Energy Conservation Code must also comply with this section.

**C408.2 Mechanical and related systems and service water heating systems commissioning and completion requirements.** Prior to passing the final mechanical inspection, the registered design professional shall provide evidence of mechanical and related systems and service water heating 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 and made available to the department upon request in accordance with Sections C408.2.4 and C408.2.5.

Mechanical systems and service water heating systems shall include but are not limited to, at a minimum, the following heating, ventilating, air conditioning, water heating, indoor air quality and refrigeration systems (mechanical and/or passive) and associated controls:

1. Ducts and associated dampers, duct insulation, and duct system protection as related to indoor air quality.
2. Heating, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.
3. Air, water, and other energy recovery systems.
4. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy based controls, including energy management functions of the building management system.
5. Plumbing, including insulation of piping and associated valves, and domestic and process water pumping and mixing systems.
6. Service water heating systems and domestic hot water systems.
7. Refrigeration systems.
8. Renewable energy and thermal storage systems.
9. If air-tightness is specified in the commissioning plan, building envelope systems, components and assemblies (including building envelope pressurization).
10. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use or indoor air quality.

**Exception.** Such systems in buildings where the total mechanical equipment capacity being installed is less than 480,000 Btu/h (140 690 W) cooling capacity and 600,000 Btu/h (175 860 W) heating capacity are exempt from the commissioning requirements.

**C408.2.1 Commissioning plan.** A commissioning plan shall be developed by a registered design professional or approved agency and shall include the following items:

1. 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.
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.
3. Functions to be tested, including, but not limited to, calibrations and economizer controls.
  4. Conditions under which the test will be performed. At a minimum, testing shall affirm winter and summer design conditions and full outside air conditions.
  5. Measurable criteria for performance.

**C408.2.2 Systems adjusting and balancing.** HVAC systems shall be balanced in accordance with ASHRAE 111-2008, “Testing, Adjusting and Balancing of Building HVAC Systems” or other standards acceptable to 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.

**C408.2.2.1 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 are prohibited on constant volume fans and variable volume fans with motors 10 hp (18.6 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses and then, for fans with system power of greater than 1 hp (0.74 kW), fan speed shall be adjusted to meet design flow conditions.

**Exception:** Fans with fan motors of 1 hp (0.74 kW) or less.

**C408.2.2.2 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:**

1. Pumps with pump motors of 5 hp (3.7 kW) or less.
2. Where throttling results in no greater than five percent of the nameplate horsepower draw above that required if the impeller were trimmed.

**C408.2.3 Functional performance testing.**

Functional performance testing specified in Sections C408.2.3.1 through C408.2.3.3 shall be conducted.

**C408.2.3.1 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:

1. All modes as described in the sequence of operation;
2. Redundant or automatic back-up mode;
3. Performance of alarms; and
4. Mode of operation upon a loss of power and restoration of power.

**Exception:** Unitary or packaged HVAC equipment listed in Tables C403.2.3(1) through C403.2.3(3) that do not require supply air economizers shall only be required to demonstrate functioning under full-load and part-load conditions.

**C408.2.3.2 Controls.** HVAC control systems shall be tested to document that control devices, components, equipment, and systems are calibrated, 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.

**C408.2.3.3 Economizers.** Air economizers shall undergo a functional test to determine that they operate in accordance with manufacturer's specifications for airflow and control.

**C408.2.4 Preliminary commissioning report.** A preliminary report of commissioning test procedures and results shall be completed and certified by the registered design professional or approved agency and provided to the department and the building owner. The report shall be identified as "Preliminary Commissioning Report" and shall identify:

1. Itemization of deficiencies found during testing required by this section that have not been corrected at the time of report preparation.
2. Deferred tests that cannot be performed at the time of report preparation because of climatic conditions.
3. Climatic conditions required for performance of the deferred tests.

**C408.2.4.1 Acceptance of report.** Buildings, or portions thereof, shall not pass the final mechanical inspection until such time as the department has received the Preliminary Commissioning Report and a letter of transmittal from the building owner acknowledging that the building owner has received the Preliminary Commissioning Report.

**C408.2.5 Documentation requirements.** The construction documents shall specify that the documents described in Sections C408.2.5.1 and C408.2.5.2 be provided to the building owner within 90 days of the date of receipt of the certificate of occupancy.

**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 controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field-determined setpoints shall be permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions.
5. A narrative of how each system is intended to operate, including recommended setpoints.

**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.** A report of test procedures and results identified as "Final Commissioning Report," including the "System Balancing Report," shall be delivered to the department and the building owner within 18 months of the receipt of the certificate of occupancy and shall include:

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 which cannot be performed at the time of report preparation due to climatic conditions.

**C408.3 Lighting system functional testing.** Controls for automatic lighting and shading systems shall comply with Section C408.3.

**C408.3.1 Functional testing.** Testing shall ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's installation instructions. The construction documents shall state the party who will conduct the required functional testing. Where required by the department, an approved party independent from the design or construction of the project shall be responsible for the functional testing and shall provide documentation to the department certifying that the installed lighting controls meet applicable requirements.

Where occupant sensors, time switches, programmable schedule controls, photosensors or daylighting controls are installed, the following procedures shall be performed:

1. Confirm that the placement, sensitivity and time-out adjustments for occupant sensors yield acceptable performance.
2. Confirm that the time switches and programmable schedule controls are programmed to turn the lights off.
3. Confirm that the placement and sensitivity adjustments for photosensor controls reduce electric light based on the amount of usable daylight in the space as specified.

§ 2. This local law shall take effect on July 1, 2014.

JCH  
LS 99  
2/3/2014 2:07 PM

Preconsidered Int. No.

By Council Member Levin

A LOCAL LAW

To amend the New York city building code, in relation to construction site lighting.

Be it enacted by the Council as follows:

Section 1. Section 202 of the New York city building code is amended by adding a definition of “**CONSTRUCTION LIGHTING**,” to be placed in appropriate alphabetical order, to read as follows:

**CONSTRUCTION LIGHTING.** See Section 3302.1.

§ 2. Section 3302.1 the New York city building code is amended by adding a definition of “**CONSTRUCTION LIGHTING**,” to be placed in appropriate alphabetical order, to read as follows:

**CONSTRUCTION LIGHTING.** Temporary lighting of construction sites.

**General construction lighting.** Temporary lighting of construction sites that is not safety construction lighting.

**Safety construction lighting.** Lighting of foot bridges, temporary walkways, sidewalk sheds, stairwells and other pathways through a construction site for the purposes of illuminating the means of egress.

§ 3. Chapter 33 of the New York city building code is amended by adding a new section 3303.2.3.1 to read as follows:

**3303.2.3.1 Construction Lighting.** Safety construction lighting and general construction lighting shall comply with the following items:

1. Constructed using high-efficacy lamps with a minimum efficacy of 60 lumens per watt for lamps over 40 watts, 50 lumens per watt for lamps over 15 watts to 40 watts, and 40 lumens per watt for lamps 15 watts or less.

2. Controlled by one or more master switches. The master switches shall be clearly labeled and shall be located in a common area within 20 feet of the primary access to the construction site. If it is not feasible to locate the master switches within 20 feet of the primary site access, they shall be as close to the primary site access as is reasonably practicable. The pathway to master switches shall be illuminated by safety construction lighting.

3. General construction lighting shall be separately circuited from safety construction lighting.

§4. This local law shall take effect January 1, 2015, except that the commissioner of buildings may take such action as is necessary for its implementation, including the promulgation of rules, prior to such effective date. This local law shall not apply to construction sites permitted prior to the effective date of this local law.

JCH  
LS 262  
Int. 1182/2013  
1/26/14

Preconsidered Int. No.

By Council Member Mendez (by request of the Manhattan Borough President)

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to protecting street trees during construction activities.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. While sidewalk sheds protect pedestrians during the construction, maintenance and inspection of buildings, they can cause considerable damage to trees. Each year, the Department of Buildings issues tens of thousands of buildings permits for new construction and building renovations and Local Law 11 of 1998 requires the erection of scaffolding and sidewalk sheds to perform façade inspections and maintenance. Unfortunately, sidewalk sheds can damage and even kill trees. Sidewalk sheds cast shade over sidewalk trees, prevent rainwater from reaching tree roots and damage tree crowns. The installation of sidewalk sheds or other construction activity can damage tree leaders (the main vertical limb), resulting in permanent deformation of trees so that the tree no longer grows vertically. Broken side branches that are not removed with clean cuts provide avenues for diseases and can eventually cause the demise of trees.

§ 2. Section 3307.6.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a new item 10 to read as follows:

10. The construction of sidewalk sheds within 10 feet (3.048m) of a tree within the public right of way shall be in accordance with the provisions of Section 3309.11.

§ 3. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-102.1 to read as follows:

§ 19-102.1 Protection of street trees. Any construction or work on a street within 10 feet of a tree within the jurisdiction of the department of parks and recreation, shall comply with the rules of the department of parks and recreation relating to the protection of trees during construction. Such rules shall be consistent with all local laws relating to the protection of pedestrians during construction activities.

§4. This local law shall take effect January 1, 2015 except that the commissioner of buildings and the commissioner of parks and recreation may promulgate rules or take other administrative actions prior to such effective date.

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JCH  
3/25/2014 11:01 AM  
Int. No. 331/10