

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 33

Introduced by Council Members Garodnick, Johnson, Constantinides, Cohen, Rosenthal, Menchaca, Gentile and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to energy efficiency scores and grades for certain buildings

Be it enacted by the Council as follows:

Section 1. Section 28-201.2.2 of the administrative code of the city of New York, adding a new item 7 to read as follows:

7. A violation of section 28-309.12.

§ 2. The title of article 309 of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

**ARTICLE 309
BENCHMARKING ENERGY AND WATER USE
AND DISCLOSURE OF ENERGY EFFICIENCY SCORES AND GRADES**

§ 3. Article 309 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-309.12 to read as follows:

§ 28-309.12 Energy efficiency scores and energy efficiency grades. *Energy efficiency scores and grades for buildings shall be obtained, assigned and disclosed in accordance with this section.*

§ 28-309.12.1 Definitions. *As used in section 28-309.12, the following terms shall have the following meanings:*

ENERGY EFFICIENCY GRADE. *The term “energy efficiency grade” means, for a covered building, a grade based on an energy efficiency score assigned through the benchmarking tool in accordance with this section as follows:*

1. *If such score is equal to or greater than 90 the energy efficiency grade shall be A;*
2. *If such score is equal to or greater than 50 but less than 90, the energy efficiency grade shall be B;*
3. *If such score is equal to or greater than 20 but less than 50, the energy efficiency grade shall be C;*
4. *If such score is less than 20, the energy efficiency grade shall be D;*
5. *If the owner of such building has not complied with section 28-309.12.2, and such owner has had an opportunity to be heard with respect to such non-compliance, the energy efficiency grade shall be F; and*
6. *If, in accordance with the rules of the department, it is not feasible to obtain an energy efficiency score for such building or if such building is subject to the exception in section 28-309.8, the energy efficiency grade shall be N.*

ENERGY EFFICIENCY SCORE. *The term “energy efficiency score” means, for a building, the Energy Star rating for such building or a score that assesses the energy use of such building relative to similar buildings that is assigned through the benchmarking tool.*

ENERGY STAR RATING. *The rating that a building earns using the United States Environmental Protection Agency ENERGY STAR portfolio manager to compare building energy performance to similar buildings in similar climates.*

§ 28-309.12.2 Energy efficiency score and energy efficiency grade required. *In 2020 and in each calendar year thereafter, an owner of a covered building shall use the benchmarking tool to provide an energy efficiency score for such building to the department in accordance with the rules of the department unless, in accordance with such rules, the building is a type of building for which it is not feasible to obtain an energy efficiency score. In each such year, the department shall issue an energy efficiency grade to the owner in accordance with such rules.*

§ 28-309.12.3 Display of energy efficiency score and energy efficiency grade. *Within 30 days after the owner of a covered building obtains an energy efficiency grade, such owner shall post such grade and the energy efficiency score upon which such grade was based in a conspicuous location near each public entrance to such building, in a form and manner established by the department.*

Exception: *This section 28-309.12.3 shall not apply to posting of the energy efficiency score of a building with an energy efficiency grade of N.*

§ 28-309.12.4 Publication of energy efficiency grades and energy efficiency scores. *For each building for which an energy efficiency grade or energy efficiency score is generated pursuant to this section, the department shall make information generated in connection with such grade and score publicly available online by no later than May 1 of the year following such generation.*

Exception: *This section 28-309.12.4 shall not apply to information generated with respect to a building with an energy efficiency grade of N.*

§ 28-309.12.5 Audits. *The department shall, from time to time, audit information submitted for buildings in connection with energy efficiency grades and energy efficiency scores. Such audits shall occur at least annually and shall involve appropriate sample size of buildings, as determined by the department.*

§ 4. a. On or before December 31, 2021, an agency designated by the mayor shall electronically submit to the mayor and the speaker of the council a report on the value of the energy asset score in predicting energy performance for buildings, including recommendations as to whether and in what form and manner such scores should be disclosed.

b. As used in this section:

Agency. The term “agency” means an agency, as defined in section 1-112 of the administrative code of the city of New York, the head of which is appointed by the mayor or by a person appointed by the mayor.

Energy asset score. The term “energy asset score” means, for a building, a score that evaluates the energy efficiency of such building’s envelope and mechanical and electrical systems.

§ 5. This local law takes effect immediately.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 19, 2017 and approved by the Mayor on January 8, 2018.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 33 of 2018, Council Int. No. 1632-A of 2017) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.