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Sponsors: James F. Gennaro, Gale A. Brewer, Leroy G. Comrie, Jr., Lewis A. Fidler, Daniel R. Garodnick, Sara M. Gonzalez, Letitia James, G. Oliver Koppell, Brad S. Lander, Melissa Mark-Viverito, Annabel Palma, Jumaane D. Williams, Ydanis A. Rodriguez, Rosie Mendez, James G. Van Bramer, Peter A. Koo, Inez E. Dickens, Albert Vann, Jessica S. Lappin, Karen Koslowitz, Joel Rivera, David G. Greenfield, James Vacca, Peter F. Vallone, Jr., Robert Jackson, Daniel J. Halloran III

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Int. No. 349

By Council Members Gennaro, Brewer, Comrie, Fidler, Garodnick, Gonzalez, James, Koppell, Lander, Mark-Viverito, Palma, Williams, Rodriguez, Mendez, Van Bramer, Koo, Dickens, Vann, Lappin, Koslowitz, Rivera, Greenfield, Vacca, Vallone, Jackson and Halloran

A Local Law to amend the administrative code of the city of New York in relation to requiring photovoltaic installations on city-owned buildings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that in order to decrease the greenhouse gas emissions of City operations by 30 percent by 2017, as mandated by Local Law 22 of 2008, known as the

New York City Climate Protection Act, the City must increase its use of renewable energy. The Council finds that, in many cases, City-owned buildings are well-suited for the installation of photovoltaic arrays. Publicly-owned photovoltaic arrays (“PV”) on City-owned buildings would serve various important functions. They would allow New York City to spend less on infrastructure and more on services; create high-paying manufacturing and construction jobs; reduce New York City’s greenhouse gas emissions, public health care costs, and dependence on foreign energy; provide a barrier against electricity price fluctuations; and through the economies of scale, would help lower the cost of privately-owned installations of photovoltaic arrays undertaken by City residents. Without greater diversification in energy sources, New Yorkers can expect staggering energy cost increases in the coming decades. Moreover, if this diversion does not include renewable energy sources, we can expect dirtier air and the health and well-being problems associated with it. According to the Center for Sustainable Energy at Bronx Community College, power plant emissions annually contribute to over one thousand deaths and twenty-five thousand asthma attacks in the metropolitan area. According to PlaNYC 2030, in 2000, asthma hospitalization rates for children in New York City were almost twice the national average - in the Bronx, the rate was almost four times the national average. New York City is not in compliance with national standards for ozone and particulate matter and will likely be out of compliance for the new nitrogen dioxide and the new sulfur dioxide standards. The expected 25% growth in electricity demand by 2030 promises to cause significantly more harm to our health, especially to the health of children and the elderly.

City-owned buildings account for over ten percent of energy use in the city. The Department of Education (“DOE”) accounts for over twenty six percent of that energy use. In the 2010 New York City budget, the City appropriated nearly \$700 million for City-used electricity; it appropriated \$180 million for the DOE’s electricity - approximately 2.5% of the City’s contribution to the DOE budget. With more than twelve hundred public school buildings, the average school building pays roughly \$140,000 per year, or almost \$12,000 per month, for electricity. This appropriation is equivalent to the salary of nearly four thousand first-year teachers.

School buildings, especially those in residential neighborhoods outside of the Central Business District, are amongst the tallest and largest buildings in their respective neighborhoods; their often unimpeded access to sunlight makes them perfect for photovoltaic energy projects.

Moreover, photovoltaic installations are exemplary in many ways, according to the Center for Responsive Law's Government Purchasing Plan. Photovoltaic installations are "mobile, silent, durable, virtually maintenance-free...and easy to install." Photovoltaic installations come with a standard twenty-five year warranty. All space satellites, the Mars Rover, and ninety-nine percent of off-shore Coast Guard buoys utilize photovoltaic energy because of its dependability.

The Council further finds that because certain City buildings, such as schools, consume little-to-no electricity during the City's peak energy demand periods, such as summer afternoons, these solar installations will add to the electrical supply during those times. As a result of adding renewable energy during high demand periods, New York City electricity prices will be better stabilized against price and demand fluctuations during peak periods.

PlaNYC 2030 urges the City to take note of peak power issues, "fund energy-saving investments in City operations," "foster the market for renewable energy," and "expand clean energy distribution." By installing, where cost-effective, City-owned photovoltaic energy systems, we can begin to realize these goals. Therefore the Council finds that it is in the best interests of the City of New York to identify suitable City-owned buildings for installing photovoltaic energy arrays and to direct the installation of photovoltaic energy arrays at such sites.

§ 2. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-208 to read as follows:

§ 4-208 City-owned photovoltaic installations. (a) For purposes of this section the following terms shall have the following meanings:

- (1) "City-owned buildings" shall mean all buildings or structures owned by the city of New York, its

agencies or departments.

2) “Cost-effective” shall mean the ability to repay costs over a twenty-five year period, including likely electricity price increases over that period of time. Additional qualifications may be included by the reviewing agencies so long as the qualifications increase, rather than reduce, the number of qualifying projects.

(3) “Feasibility study” shall mean a study that includes an analysis of cost factors including, but not limited to, system installation and maintenance costs, the expected repayment period for the system, estimated future electricity costs, and current and projected electricity demand for each city-owned building.

(4) “Historic building” shall mean a building designated as a landmarked building by the landmarks preservation commission.

(5) “Priority order” shall mean the installation of photovoltaic installations in order of cost-effectiveness from most cost-effective to least cost-effective.

(6) “Qualifying project” shall mean any project where installing city-owned photovoltaic installations on city-owned buildings is found to be cost-effective by the reviewing agencies.

(7) “Reviewing agencies” shall mean the department of citywide administrative services and any other agency authorized by said department to assist in administering the provisions of this section.

(b) Reviewing agencies shall within eighteen months from the effective date of this section complete a feasibility study of city-owned buildings to identify cost-effective sites for photovoltaic installations. The feasibility study shall include an analysis of whether any federal or state funds would be available to help pay for these installations.

(c) The city shall require installation of city-owned photovoltaic solar installations on those city-owned buildings where installations are found to be cost-effective. Installation shall be done in priority order as determined by the reviewing agencies and the city shall install the maximum amount of photovoltaics found to be cost-effective on each site.

(d) The on-site building staff of those buildings with photovoltaic installations shall take such

actions as are necessary to maximize the performance of the photovoltaic installations.

(e) Any section of city-owned historic buildings viewable by persons standing at street level shall be exempt from the installation requirements of this section.

(f) Upon the completion of the feasibility study, and on an annual basis, the reviewing agencies shall report to the mayor and the council the following: a) the total number of qualifying projects and the annual and total energy and other cost savings of each project and the projects as a whole, b) the number of qualifying projects for which the installation of photovoltaic installations was commenced, c) the number of qualifying projects for which installation of said systems have been completed and the annual and total energy and cost savings and environmental benefits of said completed systems, and d) new or updated information regarding technological, price or socio-economic issues pertaining to photovoltaic technology and systems.

§2. This local law shall take effect one hundred eighty days after its enactment, except that the reviewing agencies shall take such measures for its implementation, including the promulgation of rules, prior to such effective date as are necessary for its implementation.

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