



Legislation Text

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Int. No. 379-A

By The Speaker (Council Member Miller) and Council Members Clarke, Perkins, Gentile, Barron, Gennaro, Gerson, James, Koppell, Lopez, Nelson, Palma, Quinn, Vallone Jr., Weprin, Jackson, Brewer, Monserrate, Recchia Jr., DeBlasio, Baez, Moskowitz, Fidler, Yassky, Liu, Foster, Gioia, Sanders Jr., McMahon, Addabbo Jr., Reyna, Katz, Reed, Avella and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the purchase of Energy Star certified appliances whenever appliances in certain apartments are replaced.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. Home electricity and gas expenses represent a substantial cost for many low-income New Yorkers in rental apartments. For example, nationally in 1997, households in multi-family buildings spent an average of \$848 per year on energy. In addition, since much of New York City's electricity is produced within the City, energy consumption translates directly into greater local pollution, including emissions of sulfur dioxide, nitrogen oxides, particulate matter, carbon dioxide and mercury. These pollutants contribute to respiratory disease, heart disease, smog, acid rain and climate change. Moreover, as energy demand rises, so does our reliance on dirty, inefficient power plants and the City and nation's dependence on foreign oil and natural gas.

The United States Environmental Protection Agency and the Department of Energy certify a wide range of household appliances and building materials as energy efficient through the ENERGY STAR program, including refrigerators, room air conditioners, dishwashers, clothes washers and windows. For example, ENERGY STAR qualified dishwashers use 25% less energy than the federal minimum standard for energy consumption. ENERGY STAR certified products are widely available and generally have little or no cost premium compared with uncertified products. Even when Energy Star products are more expensive than

conventional options, these products more than pay for the increased price over time through reduced energy costs.

When people buy appliances for their own homes, they have an incentive to ensure that the appliances use the least energy possible because homeowners pay for their energy costs. When landlords or developers, however, purchase appliances, they do not have the same incentive. Since it is tenants or future owners who generally pay for energy costs, the primary financial concern for landlords and developers is to limit the up-front costs of appliances, without regard for energy consumption.

The Council finds that the increased use of ENERGY STAR certified appliances for apartments in New York City will substantially reduce household energy costs as well as the City's electricity consumption and air pollution. Accordingly, the Council declares that it is reasonable and necessary to require those who receive certain tax benefits from the City to purchase Energy Star certified appliances when they replace appliances in rental apartments.

§2. The administrative code of the city of New York is amended by adding a new section 11-245.8 to part 1 of subchapter 2 of chapter 2 of title 21 to read as follows:

§11-245.8 ENERGY STAR appliances. a. For the purposes of this section, the following definitions shall apply in conjunction with the definitions found in sections 27-232 and 27-2004 of this code:

(1) The term "ENERGY STAR" shall mean a designation from the United States environmental protection agency or department of energy indicating that a product meets the energy efficiency standards set forth by the agency for compliance with the ENERGY STAR program.

(2) The term "household appliance" shall mean any refrigerator, room air conditioner, dishwasher or clothes washer, within a dwelling unit in a multiple dwelling that is provided by the owner of such multiple dwelling. This definition shall also include any boiler or furnace that provides heat or hot water for any dwelling unit in a multiple dwelling.

b. For any building for which any benefit is conferred pursuant to four hundred eighty-nine of the real

property tax law, whenever any household appliance in any dwelling unit, or any household appliance that provides heat or hot water for any dwelling unit in a multiple dwelling, is installed or replaced with a new household appliance, such new appliance shall be certified as Energy Star.

c. For any building for which any benefit is conferred pursuant to section four hundred twenty-one-a of the real property tax law, whenever any household appliance in any dwelling unit, or any household appliance that provides heat or hot water for any dwelling unit in a multiple dwelling, is installed or replaced with a new household appliance, such new appliance shall be certified as Energy Star.

d. The commissioner may enact rules requiring additional energy conservation measures for any building for which any benefit is conferred pursuant to section four hundred eighty-nine of the real property tax law or section four hundred twenty-one-a of the real property tax law.

e. The commissioner shall inform applicants for any benefits affected by this section of the requirements of this section.

f. The requirements of subdivisions b and c of this section shall not apply where:

- 1) an ENERGY STAR certified household appliance of appropriate size is not manufactured, such that movement of walls or fixtures would be necessary to create sufficient space for such appliance; or
- 2) an ENERGY STAR certified boiler or furnace of sufficient capacity is not manufactured.

§3. This local law shall take effect ninety days after its enactment, except that the provisions of subdivision c of section 11-245.8 of bill section 2 shall take effect one year after enactment, and except that the commissioner of housing preservation and development shall take all actions necessary to implement this local law on or before the date upon which this local law shall take effect.

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