Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring periodic recommendations on adoption of more stringent energy efficiency requirements for certain buildings

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Date	Ver.	Action By	Action	Result
6/6/2017	*	City Council	Introduced by Council	
6/6/2017	*	City Council	Referred to Comm by Council	
6/27/2017	*	Committee on Environmental Protection	Laid Over by Committee	
6/27/2017	*	Committee on Environmental Protection	Hearing Held by Committee	
12/18/2017	*	Committee on Environmental Protection	Hearing Held by Committee	
12/18/2017	*	Committee on Environmental Protection	Amendment Proposed by Comm	
12/18/2017	*	Committee on Environmental Protection	Amended by Committee	
12/18/2017	A	Committee on Environmental Protection	Approved by Committee	Pass
12/19/2017	A	City Council	Approved by Council	Pass
12/19/2017	A	City Council	Sent to Mayor by Council	
1/8/2018	A	Mayor	Hearing Held by Mayor	
1/8/2018	A	Mayor	Signed Into Law by Mayor	
1/10/2018	A	City Council	Recved from Mayor by Council	

Int. No. 1629-A

By Council Members Constantinides, Richards, Johnson, Treyger, Levin, Rosenthal, Chin, Salamanca, Cohen,

Menchaca, Gentile and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring periodic recommendations on adoption of more stringent energy efficiency requirements for certain buildings

Be it enacted by the Council as follows:

Section 1. Section 28-1001.1.1 of the administrative code of the city of New York, as amended by local law number 125 for the year 2016, is amended to read as follows:

§ 28-1001.1.1 [Definition] Definitions. As used in this [chapter, the] chapter:

ASHRAE 90.1-2013. The term "ASHRAE 90.1-2013" means the 2013 edition of the energy standard for buildings except low-rise residential buildings, standard reference number 90.1-2013, published by the American society of heating, refrigerating and air conditioning engineers (ASHRAE).

COVERED BUILDING. The term "covered building" has the same meaning as set forth in section 28-309.2.

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

PREDICTED ENERGY USE. For a building, the amount of energy that is expected to be used at the premises of such building based upon the design of such building as filed by an applicant with the department for approval.

PREDICTED ENERGY USE TARGET. For each type of buildings, as such types correspond to the prototypes set forth in ASHRAE 90.1-2013, a maximum allowable predicted energy use of such buildings that are new buildings or existing buildings undergoing substantial reconstruction, as determined pursuant to this article.

SUBSTANTIAL RECONSTRUCTION. The term "substantial reconstruction" means any alteration or improvement of an existing building, if such work involves alteration of 40 percent or more of the building envelope and any two of the following, within a period of 12 months: (i) replacement of the equipment that provides heating capacity, including service hot water to 50 percent or more of the building floor area; (ii) replacement of the equipment that provides cooling capacity to 50 percent or more of the building floor area; or (iii) replacement of 50 percent or more of the connected lighting load; provided that before the commissioner submits to the city council proposed amendments to this code that establish predicted energy use targets pursuant to section 28-1001.3.4, the New York city energy conservation code advisory committee established pursuant to section 28-1001.3.2 may recommend, and the commissioner may include in such amendments, an alternative definition of this term, including a definition that varies based on building type.

§ 2. Chapter 10 of title 28 of the administrative code of the city of New York is amended by adding new

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sections 28-1001.3.3 and 28-1001.3.4 to read as follows:

§ 28-1001.3.3 Stretch energy code. For proposed amendments to this code submitted by the commissioner to the city council pursuant to section 28-1001.3.1, the commissioner, after receiving the advice and recommendations of the New York city energy conservation code advisory committee established pursuant to section 28-1001.3.2, shall for such amendments due to be submitted to the city council in 2019 and in 2022:

1. Submit to the city council proposed amendments to this code to bring this code up to date with the most recent model stretch code published by the New York state energy research and development authority, provided that such model stretch code is more stringent than the New York State Energy Code in effect when such proposed amendments are submitted and provided further that such model stretch code was first published no more than three years before such proposed amendments are submitted;

2. If no such model stretch code exists at the time such proposed amendments are to be submitted, (i) submit to the city council proposed amendments to this code to ensure that the predicted energy use of buildings designed and constructed in compliance with this code is, on average, expected to be no greater than 80 percent of the predicted energy use of such buildings if such buildings were designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the New York State Energy Code, as such term was defined on December 1, 2017, and (ii) if the New York State Energy Code in effect when such proposed amendments are submitted includes a prescriptive compliance path, include in such proposed amendments a prescriptive compliance path to the extent that the commissioner determines such a path to be practicable under applicable federal and state law and rules and such other concerns as such advisory committee determine to be relevant; or

3. If no such model stretch code exists and the commissioner determines that proposed amendments to this code to achieve compliance with item 2 would render the design and construction of buildings impracticable or unduly burdensome, (i) submit to the city council proposed amendments to ensure that the predicted energy use of buildings designed and constructed in compliance with this code is, to the greatest extent practicable, on average, less than the predicted energy use of such buildings if such buildings were designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the New York State Energy Code, as such term was defined on December 1, 2017, provided that, together with such proposed amendments, the commissioner shall submit a report describing why proposed amendments to achieve compliance with such item would render the design and construction of buildings impracticable or unduly burdensome and the estimated percentage by which the average predicted energy use of buildings designed and constructed in compliance with this code would be less than the average predicted energy use of such buildings if such buildings were designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the New York State Energy Code, as such term was defined on December 1, 2017, and (ii) if the New York State Energy Code in effect when such proposed amendments are submitted includes a prescriptive compliance path, include in such proposed amendments a prescriptive compliance path to the extent that the commissioner determines such a path to be practicable under applicable federal and state law and rules and such other concerns as such advisory committee determine to be relevant.

§ 28-1001.3.4 Predicted energy use targets. For proposed amendments to this code submitted by the commissioner to the city council pursuant to section 28-1001.3.1, the commissioner, after receiving the advice and recommendations of the New York city energy conservation code advisory committee established pursuant to section 28-1001.3.2, shall for such amendments due to be submitted to the city council in or after 2025 submit to the city council proposed amendments to this code to establish predicted energy use targets for

covered buildings in the city. In addition:

1. By no later than January 1 of the year before such amendments are due to be submitted to the city council, the commissioner, after receiving the advice and recommendations of such advisory committee, shall prepare and electronically submit to the mayor and the speaker of the council, and make publicly available online, a report recommending predicted energy use targets for covered buildings in the city. Such report shall include, at a minimum:

    1.1. A metric for measuring the predicted energy use of covered buildings that can be used to meaningfully compare such use with the predicted energy use of other similar buildings;

    1.2. For each type of covered building in the city, as such types correspond to the prototypes set forth in ASHRAE 90.1-2013, a predicted energy use target expressed in terms of such metric;

    1.3. Results and analysis of energy modeling for a representative sample of each such type of covered building for which a predicted energy use target is being recommended;

    1.4. Examples of designs of such buildings that would satisfy such targets, provided that, if the New York State Energy Code in effect at the time such report is compiled includes a prescriptive compliance path, such report shall include recommendations for a prescriptive compliance path to achieve such targets if such advisory committee determines such a path to be practicable under applicable federal and state law and rules and such other concerns as the commissioner determines to be relevant;

    1.5. An analysis of the impact that such targets would have on construction costs and other costs;

    1.6. Recommendations for accounting for predicted energy use based on the source of such energy, including but not limited to, a method for accounting for sources that are qualified energy resources, as such term is defined in section 45 of title 26 of the United States code in effect on January 1, 2017;

    1.7. Recommendations for implementing such targets;

    1.8. A description of why such targets would not render the design and construction of buildings impracticable or unduly burdensome; and

    1.9. If such targets differ from the predicted energy use targets recommended by such advisory committee, a list of the predicted energy use targets recommended by advisory committee.

2. The predicted energy use targets recommended by the commissioner shall be as stringent as practicable, provided that:

    2.1. Except as provided in item 2.2, such recommended targets shall be such that the predicted energy use of buildings that are designed and constructed in compliance with such targets is, on average, expected to be no greater than 70 percent of the predicted energy use of such buildings if such buildings were designed and constructed in compliance with ASHRAE 90.1-2013 or the New York State Energy Code, as such term was defined on December 1, 2017;

    2.2. If the commissioner determines that the predicted energy use targets necessary to achieve

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compliance with item 2.1 would render the design and construction of buildings impracticable or unduly burdensome, (i) such recommended targets shall minimize, to the greatest extent such advisory committee determines to be practicable, the average predicted energy use of buildings designed and constructed in compliance with such recommended targets and (ii) the report required pursuant to item 1 shall, in addition to the requirements of such item, describe why the predicted energy use targets necessary to achieve compliance with item 2.1 would render the design and construction of buildings impracticable and unduly burdensome and the estimated percentage by which the average predicted energy use of buildings designed and constructed in compliance with such recommended targets would be less than the average predicted energy use of such buildings if such buildings were designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the New York State Energy Code, as such term was defined on December 1, 2017; and

2.3. Such recommended target for any type of building shall not be more stringent than the targets set forth in clause (B) of subparagraph (i) of the definition of low energy intensity target in paragraph 1 of subdivision l of section 224.1 of the New York city charter.

§ 3. This local law takes effect immediately.

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