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Sponsors:	Gifford Miller, Leroy G. Comrie, Jr., G. Oliver Koppell, Christine C. Quinn, Lewis A. Fidler, Tony Avella, Jose M. Serrano, David Yassky, Larry B. Seabrook, Melinda R. Katz, Gale A. Brewer, James F. Gennaro, Vincent J. Gentile, David I. Weprin, Bill De Blasio, Eva S. Moskowitz, John C. Liu, Robert Jackson, Alan J. Gerson, Helen Sears, Michael E. McMahon		
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Int. No. 159

By The Speaker (Council Member Miller) and Council Members Comrie, Koppell, Quinn, Fidler, Avella, Serrano, Yassky, Seabrook, Katz, Brewer, Gennaro, Gentile, Weprin, DeBlasio, Moskowitz and Liu; also Council Members Jackson, Gerson, Sears and McMahon

A Local Law to amend the administrative code of the city of New York, in relation to requirements for high performance buildings.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The Council further finds that designing new buildings and renovating existing buildings to address energy efficiency and environmental concerns will decrease energy costs and, in the case of office buildings, improve worker productivity. The New York City's Department of Design and Construction has issued High Performance Building Guidelines and has estimated that if its guidelines were met for a typical 100,000 square foot city-owned building, a 35 percent savings in energy use would be achieved, which would yield a reduction of up to $70,000 in energy costs each year. The Council declares that it is reasonable and necessary to employ high performance building standards in the construction

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or retrofitting of city-owned buildings or buildings on city-owned property, and that these standards be utilized in an orderly and timely fashion.

§2. Chapter one of title 27 of the administrative code of the city of New York is amended by adding a new subchapter 20 to read as follows:

Subchapter 20

High Performance Building Standards

§27-1080 Scope.

§27-1081 Definitions.

§27-1082 Requirements.

§27-1083 Evaluations and goals.

§27-1084 Waiver of requirements.

§27-1085 Rules.

§27-1080 Scope. The provisions of this subchapter shall apply to new construction and alteration projects undertaken by or on behalf of any city agency, the battery park city authority, the new york city housing authority, the school construction authority and any entity that contracts with the city, its agencies, the battery park city authority, the New York city housing authority or the school construction authority.

§27-1081 Definitions. For the purpose of this subchapter, the following definitions shall apply in conjunction with the definitions found in subchapter two of this chapter:

"alteration project" shall mean the alteration of an existing city-owned when the costs of making any alterations to such building within any twelve-month period exceeds sixty percent of the building value.

"city-owned building" shall mean a building owned by the city, a building to be constructed on property owned by the city, or a building to be constructed on property purchased or to be purchased from the city.

"construction project" shall mean the construction of a new city-owned building or an alteration project.

"high performance building standards" shall mean standards that effect the design, construction,

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alteration, operation, use and reuse of buildings to achieve energy-efficient and resource-efficient goals such as maximizing operational energy savings, providing healthy interiors and limiting detrimental environmental impacts.

"high performance materials" shall mean materials and products that save on energy, natural resources and/or operating costs such as high-efficiency lighting, and shall also include materials and products that produce low or no emissions that impair indoor air quality.

"high performance practices" shall mean practices that decrease demands on natural resources and practices that reduce heat loss and gain through infiltration.

§27-1082 Requirements. (a) New construction. High performance building standards shall be applied to new construction with respect to:

(1) the selection of sites, site planning and design,

(2) the energy use and demand in a building,

(3) the indoor environment of a building, including air quality, lighting sources and acoustical considerations,

(4) the management of water within the building so as to conserve water and minimize the use of domestic water,

(5) the overall operation and maintenance of a building,

(6) the use of high performance materials, and

(7) the use of other high performance practices.

(b) Alterations. High performance building standards shall be applied to alteration projects with respect to:

(1) the design of the alteration plans,

(2) the energy use and demand in a building,

(3) the indoor environment of a building, including air quality, lighting sources and acoustical considerations,

(4) the management of water within the building so as to conserve water and minimize the use of domestic

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water,

(5) the overall operation and maintenance of a building,

(6) the use of high performance materials, and

(7) the use of other high performance practices.

§27-1083 Evaluations and goals. (a) The commissioner shall be responsible for conducting high performance building cost evaluations to measure the economic, social and environmental benefits of high performance buildings that exist in the city.

(b) The commissioner shall also be responsible for setting high performance goals to be met by city agencies and their contractors and subcontractors in the context of the requirements of this subchapter.

(c) The commissioner shall submit an annual report to the council and the mayor summarizing the evaluations, goals, and accomplishments of the buildings proposed to be constructed, are under construction or have been completed in accordance with the requirements of this subchapter.

§27-1084 Waiver of requirements. (a) The commissioner may waive any or all of the requirements of this subchapter for any construction project or alteration project upon a finding that strict compliance with the requirements of this subchapter would:

(1) create an undue economic burden;

(2) fail to achieve the intended objectives of this subchapter;

(3) be physically or legally impossible; or

(4) be unnecessary in light of alternatives which insure achieving the intended objectives of this subchapter.

(b) Each application for a waiver under subdivision a of this section shall be made in writing to the commissioner by the agency funding or authorizing the capital project setting forth each requirement for which a waiver is sought and the specific reason or reasons therefor. The commissioner shall determine, under all circumstances presented in such application, which of such requirements shall be waived. The commissioner shall render such determination in writing and shall set forth in detail his or her findings and conclusions with

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respect to each requirement for which a waiver is sought. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be made available for public inspection.

(c) The department of design and construction shall be consulted by and shall advise the commissioner concerning each application for a waiver under this section.

§27-1085 Rules. The department, in consultation with the department of design and construction, shall promulgate rules to implement the provisions of this subchapter, including the setting of goals and objectives for achievement in buildings, differentiating between new construction of city-owned buildings and alteration projects.

§2. This local law shall take effect in one hundred and twenty days from the date of enactment; except that the commissioner of buildings shall take all actions necessary, including the promulgation of rules in consultation with the commissioner of design and construction, to implement this local law on or before the date upon which it shall take effect; and provided that this local law shall apply to the percentage of all capital projects for which funds are allocated for the first time funding of the project, herein deemed as eligible capital projects, during any fiscal year, beginning with the first full fiscal year occurring after the enactment of this legislation and followed in each of the successive fiscal years as indicated in accordance with the following schedule: (1) this legislation shall apply to twenty percent of the eligible capital projects during the first full fiscal year after enactment; (2) this legislation shall apply to forty percent of the eligible capital projects during the second fiscal year after enactment; (3) this legislation shall apply to sixty percent of the eligible capital projects during the third fiscal year after enactment; (4) this legislation shall apply to eighty percent of the eligible capital projects during the fourth fiscal year after enactment; (5) this legislation shall apply to one hundred percent of the eligible capital projects during for the fifth fiscal year after enactment and for all successive fiscal years thereafter.

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