Proposed Int. No. 1629-A

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

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 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 is amended to read as follows:

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


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 consumed by or on the premises of such building based upon the design of such building as filed with the commissioner.

PREDICTED ENERGY USE TARGET. For a type of buildings, a maximum allowable predicted energy use of such buildings.

§ 2. Chapter 10 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-1001.3.3 and 28-1001.3.4 to read as follows:

§ 28-1001.3.3 Stretch energy code. When the commissioner submits proposed amendments to this code to the city council pursuant to section 28-1001.3.1, the commissioner, in consultation with 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 published on or after three years before such proposed amendments are submitted;

2. If no such model stretch code exists at the time such amendments are to be submitted, the commissioner and such advisory committee shall at such time 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

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, the commissioner shall 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 fullest 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, provided that, together with such proposed amendments, the commissioner shall submit a report describing (i) why proposed amendments to achieve compliance with such item would render the design and construction of buildings impracticable or unduly burdensome and (ii) the estimated percentage by which the predicted energy use of buildings designed and constructed in compliance with this code would be less than the predicted energy use of such buildings if such buildings were designed and constructed in minimum compliance with ASHRAE 90.1-2013.

§ 28-1001.3.4 Predicted energy use targets. When the commissioner submits proposed amendments to this code to the city council pursuant to section 28-1001.3.1, the commissioner, in consultation with 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 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, such advisory committee shall submit to the commissioner a report on recommendations for predicted energy use targets for buildings in the city. Such report shall include, at a minimum:

1.1. A metric for measuring the predicted energy use of 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 buildings in the city, 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 type of buildings for which a predicted energy use target is being recommended;

1.4. Examples of designs of such buildings that would satisfy such targets;

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; and

1.7. Recommendations for implementing such targets.

2. The predicted energy use targets recommended by such advisory committee 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.

3. Within 10 days after receiving such report, the commissioner shall make such report publicly available on the department’s website.

§ 3. This local law takes effect immediately.