

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:

1           Section 1. Section 28-1001.1.1 of the administrative code of the city of New York is  
2 amended to read as follows:

3       **§ 28-1001.1.1 [Definition] Definitions.** As used in this [chapter, the] chapter:  
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5       **ASHRAE 90.1-2013.** The term “ASHRAE 90.1-2013” means the 2013 edition of the energy  
6 standard for buildings except low-rise residential buildings, standard reference number 90.1-2013,  
7 published by the American society of heating, refrigerating and air conditioning engineers  
8 (ASHRAE).  
9

10       **NEW YORK STATE ENERGY CODE.** The term “New York State Energy Code” means the  
11 New York State Energy Conservation Construction Code (the "New York State Energy Code"),  
12 constituting part 1240 of title 19 of the New York codes, rules and regulations (19 NYCRR Part  
13 1240), and the publications incorporated by reference in such part, promulgated on September 21,  
14 2016, by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New  
15 York State Energy Law.  
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17       **PREDICTED ENERGY USE.** For a building, the amount of energy that is expected to be  
18 consumed by or on the premises of such building based upon the design of such building as filed  
19 with the commissioner.  
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21       **PREDICTED ENERGY USE TARGET.** For a type of buildings, a maximum allowable  
22 predicted energy use of such buildings.  
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24           § 2. Chapter 10 of title 28 of the administrative code of the city of New York is amended  
25 by adding new sections 28-1001.3.3 and 28-1001.3.4 to read as follows:

26       **§ 28-1001.3.3 Stretch energy code.** When the commissioner submits proposed amendments to  
27 this code to the city council pursuant to section 28-1001.3.1, the commissioner, in consultation  
28 with the New York city energy conservation code advisory committee established pursuant to  
29 section 28-1001.3.2, shall for such amendments due to be submitted to the city council in 2019  
30 and in 2022:  
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1 1. Submit to the city council proposed amendments to this code to bring this code up to date  
2 with the most recent model stretch code published by the New York state energy research  
3 and development authority, provided that such model stretch code is more stringent than  
4 the New York State Energy Code in effect when such proposed amendments are submitted  
5 and provided further that such model stretch code was published on or after three years  
6 before such proposed amendments are submitted;

7  
8 2. If no such model stretch code exists at the time such amendments are to be submitted, the  
9 commissioner and such advisory committee shall at such time submit to the city council  
10 proposed amendments to this code to ensure that the predicted energy use of buildings  
11 designed and constructed in compliance with this code is, on average, expected to be no  
12 greater than 80 percent of the predicted energy use of such buildings if such buildings were  
13 designed and constructed in minimum compliance with ASHRAE 90.1-2013; or

14  
15 3. If no such model stretch code exists and the commissioner determines that proposed  
16 amendments to this code to achieve compliance with item 2 would render the design and  
17 construction of buildings impracticable or unduly burdensome, the commissioner shall  
18 submit to the city council proposed amendments to ensure that the predicted energy use of  
19 buildings designed and constructed in compliance with this code is, to the fullest extent  
20 practicable, on average, less than the predicted energy use of such buildings if such  
21 buildings were designed and constructed in minimum compliance with ASHRAE 90.1-  
22 2013, provided that, together with such proposed amendments, the commissioner shall  
23 submit a report describing (i) why proposed amendments to achieve compliance with such  
24 item would render the design and construction of buildings impracticable or unduly  
25 burdensome and (ii) the estimated percentage by which the predicted energy use of  
26 buildings designed and constructed in compliance with this code would be less than the  
27 predicted energy use of such buildings if such buildings were designed and constructed in  
28 minimum compliance with ASHRAE 90.1-2013.

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30 § 28-1001.3.4 Predicted energy use targets. When the commissioner submits proposed  
31 amendments to this code to the city council pursuant to section 28-1001.3.1, the commissioner, in  
32 consultation with the New York city energy conservation code advisory committee established  
33 pursuant to section 28-1001.3.2, shall for such amendments due to be submitted to the city council  
34 in or after 2025 submit to the city council proposed amendments to this code to establish predicted  
35 energy use targets for buildings in the city. In addition:

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37 1. By no later than January 1 of the year before such amendments are due to be submitted to  
38 the city council, such advisory committee shall submit to the commissioner a report on  
39 recommendations for predicted energy use targets for buildings in the city. Such report  
40 shall include, at a minimum:

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42 1.1. A metric for measuring the predicted energy use of buildings that can be used to  
43 meaningfully compare such use with the predicted energy use of other similar  
44 buildings;

1 1.2. For each type of buildings in the city, a predicted energy use target expressed in terms  
2 of such metric;

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4 1.3. Results and analysis of energy modeling for a representative sample of each type of  
5 buildings for which a predicted energy use target is being recommended;

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7 1.4. Examples of designs of such buildings that would satisfy such targets;

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9 1.5. An analysis of the impact that such targets would have on construction costs and other  
10 costs;

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12 1.6. Recommendations for accounting for predicted energy use based on the source of such  
13 energy, including but not limited to, a method for accounting for sources that are  
14 qualified energy resources, as such term is defined in section 45 of title 26 of the United  
15 States code in effect on January 1, 2017; and

16  
17 1.7. Recommendations for implementing such targets.

18  
19 2. The predicted energy use targets recommended by such advisory committee shall be such  
20 that the predicted energy use of buildings that are designed and constructed in compliance  
21 with such targets is, on average, expected to be no greater than 70 percent of the predicted  
22 energy use of such buildings if such buildings were designed and constructed in compliance  
23 with ASHRAE 90.1-2013.

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

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28 § 3. This local law takes effect immediately.

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11/20/17 2:51PM