

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:

4
5 **2015 NEW YORK STATE ENERGY CODE.** The term “New York State Energy Code” means
6 the New York State Energy Code, as such term was defined herein on December 1, 2017.

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

12
13 **NEW YORK STATE ENERGY CODE.** The term “New York State Energy Code” means the
14 New York State Energy Conservation Construction Code (the "New York State Energy Code"),
15 constituting part 1240 of title 19 of the New York codes, rules and regulations (19 NYCRR Part
16 1240), and the publications incorporated by reference in such part, promulgated on September 21,
17 2016, by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New
18 York State Energy Law.

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20 **PREDICTED ENERGY USE.** For a building, the amount of energy that is expected to be
21 consumed by or on the premises of such building based upon the design of such building as filed
22 with the commissioner.

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24 **PREDICTED ENERGY USE TARGET.** For a type of buildings, a maximum allowable
25 predicted energy use of such buildings that are new buildings or existing buildings undergoing
26 substantial reconstruction.

27
28 **SUBSTANTIAL RECONSTRUCTION.** The term “substantial reconstruction” means any
29 alteration or improvement of an existing building, if such work involves alteration of 40 percent
30 or more of the building envelope and any two of the following, within a period of 12 months: (i)
31 replacement of the equipment that provides heating capacity, including service hot water to 50
32 percent or more of the building floor area; (ii) replacement of the equipment that provides cooling
33 capacity to 50 percent or more of the building floor area; or (iii) replacement of 50 percent or more

1 of the connected lighting load; provided that when establishing predicted energy use targets
2 pursuant to section 28-1001.3.4, the New York city energy conservation code advisory committee
3 established pursuant to section 28-1001.3.2 may recommend, and the commissioner may include
4 in the proposed amendments to this code submitted pursuant to such section, an alternative
5 definition of this term, including a definition that varies based on building type.
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7 § 2. Chapter 10 of title 28 of the administrative code of the city of New York is amended

8 by adding new sections 28-1001.3.3 and 28-1001.3.4 to read as follows:

9 **§ 28-1001.3.3 Stretch energy code.** When the commissioner submits proposed amendments to
10 this code to the city council pursuant to section 28-1001.3.1, the commissioner, in consultation
11 with the New York city energy conservation code advisory committee established pursuant to
12 section 28-1001.3.2, shall for such amendments due to be submitted to the city council in 2019
13 and in 2022:

14
15 1. Submit to the city council proposed amendments to this code to bring this code up to date
16 with the most recent model stretch code published by the New York state energy research
17 and development authority, provided that such model stretch code is more stringent than
18 the New York State Energy Code in effect when such proposed amendments are submitted
19 and provided further that such model stretch code was published on or after three years
20 before such proposed amendments are submitted;

21
22 2. If no such model stretch code exists at the time such amendments are to be submitted, (i)
23 the commissioner and such advisory committee shall at such time submit to the city council
24 proposed amendments to this code to ensure that the predicted energy use of buildings
25 designed and constructed in compliance with this code is, on average, expected to be no
26 greater than 80 percent of the predicted energy use of such buildings if such buildings were
27 designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the 2015
28 New York State Energy Code and (ii) if the New York State Energy Code in effect when
29 such proposed amendments are submitted includes a prescriptive compliance path, such
30 advisory committee shall include in its recommendations to the commissioner a
31 prescriptive compliance path to the extent that such advisory committee determines such a
32 path to be practicable under applicable federal and state law and rules and such other
33 concerns as such advisory committee determine to be relevant; or

34
35 3. If no such model stretch code exists and the commissioner determines that proposed
36 amendments to this code to achieve compliance with item 2 would render the design and
37 construction of buildings impracticable or unduly burdensome, (i) the commissioner shall
38 submit to the city council proposed amendments to ensure that the predicted energy use of
39 buildings designed and constructed in compliance with this code is, to the greatest extent
40 practicable, on average, less than the predicted energy use of such buildings if such
41 buildings were designed and constructed in minimum compliance with ASHRAE 90.1-
42 2013 or the 2015 New York State Energy Code, provided that, together with such proposed
43 amendments, the commissioner shall submit a report describing why proposed
44 amendments to achieve compliance with such item would render the design and

1 construction of buildings impracticable or unduly burdensome and the estimated
2 percentage by which the average predicted energy use of buildings designed and
3 constructed in compliance with this code would be less than the average predicted energy
4 use of such buildings if such buildings were designed and constructed in minimum
5 compliance with ASHRAE 90.1-2013 or the 2015 New York State Energy Code and (ii) if
6 the New York State Energy Code in effect when such proposed amendments are submitted
7 includes a prescriptive compliance path, such advisory committee shall include in its
8 recommendations to the commissioner a prescriptive compliance path to the extent that
9 such advisory committee determines such a path to be practicable under applicable federal
10 and state law and rules and such other concerns as such advisory committee determine to
11 be relevant.

12
13 **§ 28-1001.3.4 Predicted energy use targets.** When the commissioner submits proposed
14 amendments to this code to the city council pursuant to section 28-1001.3.1, the commissioner, in
15 consultation with the New York city energy conservation code advisory committee established
16 pursuant to section 28-1001.3.2, shall for such amendments due to be submitted to the city council
17 in or after 2025 submit to the city council proposed amendments to this code to establish predicted
18 energy use targets for buildings in the city. In addition:

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

24
25 1.1. A metric for measuring the predicted energy use of buildings that can be used to
26 meaningfully compare such use with the predicted energy use of other similar
27 buildings;

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29 1.2. For each type of buildings in the city, a predicted energy use target expressed in terms
30 of such metric;

31
32 1.3. Results and analysis of energy modeling for a representative sample of each type of
33 buildings for which a predicted energy use target is being recommended;

34
35 1.4. Examples of designs of such buildings that would satisfy such targets, provided that,
36 if the New York State Energy Code in effect at such time includes a prescriptive
37 compliance path, such report shall include recommendations for a prescriptive
38 compliance path to achieve such targets if such advisory committee determines such a
39 path to be practicable under applicable federal and state law and rules and such other
40 concerns as such advisory committee determines to be relevant;

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42 1.5. An analysis of the impact that such targets would have on construction costs and other
43 costs;

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45 1.6. Recommendations for accounting for predicted energy use based on the source of such
46 energy, including but not limited to, a method for accounting for sources that are

1 qualified energy resources, as such term is defined in section 45 of title 26 of the United
2 States code in effect on January 1, 2017; and

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4 1.7. Recommendations for implementing such targets.

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6 2. The predicted energy use targets recommended by such advisory committee shall be as
7 stringent as practicable, provided that:

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9 2.1. Except as provided in item 2.2, such recommended targets shall be such that the
10 predicted energy use of buildings that are designed and constructed in compliance with
11 such targets is, on average, expected to be no greater than 70 percent of the predicted
12 energy use of such buildings if such buildings were designed and constructed in
13 compliance with ASHRAE 90.1-2013 or the 2015 New York State Energy Code;

14
15 2.2. If such advisory committee determines that the predicted energy use targets necessary
16 to achieve compliance with item 2.1 would render the design and construction of
17 buildings impracticable or unduly burdensome, (i) such recommended targets shall
18 minimize, to the greatest extent such advisory committee determines to be practicable,
19 the average predicted energy use of buildings designed and constructed in compliance
20 with such recommended targets and (ii) the report required pursuant to item 1 shall, in
21 addition to the requirements of such item, describe why the predicted energy use targets
22 necessary to achieve compliance with item 2.1 would render the design and
23 construction of buildings impracticable and unduly burdensome and the estimated
24 percentage by which the average predicted energy use of buildings designed and
25 constructed in compliance with such recommended targets would be less than the
26 average predicted energy use of such buildings if such buildings were designed and
27 constructed in minimum compliance with ASHRAE 90.1-2013 or the 2015 New York
28 State Energy Code; and

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30 2.3. Such recommended target for any type of building shall not be more stringent than the
31 targets set forth in subclause (B) of clause (i) of the definition of low energy intensity
32 target in section 224.1 of the New York city charter.

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

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37 § 3. This local law takes effect immediately.

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