

American Council of Engineering Companies of New York  
(ACEC New York)

Intro No. 1629-A   11-09-17				
Page	Line No.	Clause to be modified	Comment or Suggested Edit	Clean Text
3	40	...to ensure that the predicted source energy use intensity of buildings designed and constructed in compliance with this code is at least 20 percent less than the predicted source energy use intensity of buildings designed and constructed in compliance with the New York State Energy Code; or...	As written the meaning requires the amended Code to ensure that ALL building types will be a minimum of 20% less than the predicted source energy use intensity. This implies that the average reduction must be greater in order to ensure that no single building typology would fall below the 20% threshold, and thus in aggregate will result in an infeasible level of regulated energy performance. Thus, this requirement should be qualified such that the 20% requirement is an appropriately defined <u>average</u> requirement of all building typologies in the City.	Insert after "20% less": ",on average for the breakdown of building typologies that exist in the City of New York,"
3	22	When the commissioner submits proposed amendments to this code to the city council	It is critical to successful implementation of the amended Code that both Prescriptive and Performance based compliance paths are retained in the Code.	Insert after "proposed amendments to this code": "which shall include both prescriptive and performance based compliance paths,".
3	34 & 41	Add an addition clause after No. 1 and No. 2.	The process identified for the Commissioner and the Committee must be supported by third party energy modeling resources and adequate time must be allocated for the overall code amending process.	Ad the following sentence at the end of paragraphs No.1 and No. 2: The Commissioner shall initiate in conjunction with such advisory committee the process for developing the Code Amendments one year prior to the anticipated submission date to the City Council. The Commissioner shall make available 3rd party qualified and experienced energy modeling services to provide analysis and support of the code amending process.
2	44	SOURCE ENERGY USE INTENSITY	The definition of energy use is not specific and should be qualified so as to be "predicted energy use" in order to clearly differentiate from actual energy consumption.	Insert before the word "energy": "predicted".

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4	15	§ 28-1001.3.4 Low energy intensity buildings.	<p>The framework for the 2025 milestone is fundamentally different from those of 2019 and 2022 in that the requirement is entirely performance based, relying on Energy Use Intensity (EUI) as the primary metric for measuring performance and does not identify any process for arriving at an appropriate Code structure that can be implemented. EUI is a flawed metric for measuring a performance target in that it does not account for variations in how building are utilized by tenants or occupants and therefore is a very blunt instrument with the implications of being onerous for some buildings and inconsequential for others. Much work remains to be done at the National and international level to arrive at an appropriate metric that accounts for these factors as well as unit economic output, jobs creation, social equity, etc.</p> <p>Further, the requirement does not identify any process requirements or primary actors responsible for implementing the regulatory process to create such a performance based Code regime.</p> <p>Based on these limitations, we strongly recommend that this entire section associated with the 2025 milestone be tabled for several years, in anticipation of substantial policy development foundational work and critical thinking among all stakeholders to arrive at an appropriate performance-based framework that includes appropriate units of measurements for building energy/carbon performance.</p> <p>However, contrary to the above, if a 2025 threshold requirement must be included in this Bill, we strongly recommend that the same structure and framework as required for the 2019 and 2022 milestones be utilized (verbatim) for the 2025 milestone.</p>	Strike line 15 and beyond in their entirety.
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