



Comments on Intro. 1629-A

The American Council of Engineering Companies of New York (ACEC New York) appreciates the opportunity to share the following views with you regarding Intro 1629-A.

We are generally supportive of the bill's framework and requirements for the 2019 and 2022 regulatory milestones, with two recommended additions. The process outlined for the Commissioner and the advisory committee to develop the Code amendments to meet the stated criteria is a substantial undertaking; and will require a period of 1 year to complete and will also require the input of third-party energy modeling consulting services, which are not resident within the Department of Buildings and which volunteer committee members cannot effectively provide. We are therefore requesting that the following be included in Intro. 1629-A:

- 1. Require a period of one (1) year to complete the regulatory milestone**
- 2. Require the input of third-party energy modeling consulting services in the development process.**

However, the framework identified for the 2025 milestone is problematic, for the following reasons:

- While we are supportive of the transition from the % reduction framework utilized in the 2019/2022 milestones, the use of Energy Use Intensity (EUI) as the unit of measurement is not appropriate. EUI does not accommodate significant variations in space utilization by tenants and occupants of buildings and as such (as a blunt instrument) will unintentionally penalize many buildings and reward others.
- Unfortunately, an appropriate alternative energy use metric is not yet known or broadly understood: this is an active area of ongoing critical thinking, debate and consensus building within the National standard-making community.
- The framework provided in Intro. 1629-A for the 2025 milestone is convoluted, includes inconsistent definitions and will require a substantial Code-making effort that could require multiple years to complete.
- Intro. 1629-A provides no process framework for affecting the required code regime transition (verses the explicit process identified for 2019 and 2022).

Based on these considerations, we strongly recommend that:

- 3. The 2025 milestone be removed from Intro. 1629-A** in its entirety in deference to a future policy initiative several years from now, when there will be a greater baseline of knowledge and experience from which to develop the required regulatory framework transition.

If the 2025 provision must be retained in Intro. 1629-A, we strongly recommend that the proposed framework be replaced in its entirety consistent with the framework provided for the 2019 and 2022 milestones.

Attachment: Matrix of detailed comments and edits on Intro. 1629-A by the ACEC New York Metro Region Energy Codes Committee

For further information please contact:

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The American Council of Engineering Companies of New York (ACEC New York) is the voice of the professional engineering community, representing 280 member firms throughout New York State that collectively employ close to 25,000 people statewide, with a concentrated presence of firms located in New York City. Our members plan and design the structural, mechanical, electrical, civil, environmental, plumbing, fire protection and technology systems for the city's buildings and infrastructure.