



WHAT BUILDING OWNERS SHOULD KNOW ABOUT NEW YORK CITY'S NEW ENERGY LAW

On December 9, 2009, the New York City Council and the Mayor's office passed a set of four groundbreaking bills known as the "Greener, Greater Buildings Plan" that aim to reduce the energy consumption and carbon footprint of New York City's existing buildings. The electricity, heat and hot water used by buildings in New York City generate 75% of the City's greenhouse gas emissions. The law affects buildings larger than 50,000sf, creates a stricter energy code and requires building owners to perform energy audits, lighting upgrades and annual energy and water use benchmarking. Below is a summary of the four bills and how they will affect building owners and tenants.

ENERGY AUDITS, RETRO-COMMISSIONING, AND RETROFITS

Applies to

- Privately owned buildings over 50,000sf, OR
- Two buildings on the same lot with a combined area over 100,000sf, OR
- Condominiums owned by the same board with a combined area over 100,000sf OR
- Buildings over 10,000sf where the City pays part or all of the electricity bills

Exemptions

Exemptions from energy audit

- Energy Star[®] label for 2 of the 3 years prior to report date
- LEED[®] for Existing Buildings (LEED[®]-EB) certification within 4 years of report date
- Energy efficiency at least 25 points higher than average building using LEED[®] methodology

Exemptions from retro-commissioning

- LEED EB certification within 2 years of report date AND Building MUST receive the LEED[®] Credits EA2.1 and EA2.2

Requirements

Complete energy audit. ASHRAE Level 2 energy audit of Base building systems including HVAC, lighting, hot water, and building envelope to identify potential energy efficiency improvements. Potential improvements including equipment upgrades or replacement, insulation, and weatherization will be reported along with simple payback periods to aid in the prioritization of recommended measures. Implementation of recommended measures is NOT required by this legislation for privately owned buildings.

Complete retro-commissioning (RCx). A qualified retro-commissioning agent must conduct onsite testing of all base building systems and perform recommended tuning and adjustments to optimize building system performance.

File Energy Efficiency Report. Building owners must file the Energy Efficiency Report, which includes reports from the Energy Audit and Retro-Commissioning, with the DOB.

Schedule

Energy Efficiency Report is due every 10 years starting in **2013**. Report due dates are determined by a building's block number. Buildings that are less than 10 years old or that have undergone major renovation and comply with the NYCECC can defer reporting by 10 years.

Link to Law

[Int. 967: Energy Audits, Retro-Commissioning, and Retrofits](#)

ENERGY AND WATER EFFICIENCY BENCHMARKING

Applies to

- Privately owned buildings over 50,000sf, OR
- Two buildings on the same lot with a combined area over 100,000sf, OR
- Condominiums owned by the same board with a combined area over 100,000sf OR
- Buildings over 10,000sf where the City pays part or all of the electricity bills

Requirements **Report building energy and water use data.** Collect and input building operations data including energy and water consumption into the EPA's online Energy Star® Portfolio Manager Tool or other eligible tool as per the Office of Long Term Planning and Sustainability.

Schedule Benchmark scores must be reported annually by May 1st.
Beginning May 1, 2010 for City Buildings
Beginning **May 1, 2011** for privately owned buildings.

Link to Law [Int. 476: Benchmarking](#)

LIGHTING UPGRADES AND SUBMETERING

Applies to

- Privately owned buildings over 50,000sf, OR
- Two buildings on the same lot with a combined area over 100,000sf, OR
- Condominiums owned by the same board with a combined area over 100,000sf OR
- Buildings over 10,000sf where the City pays part or all of the electricity bills

Exemptions

- Residential dwelling units
- Assembly spaces in houses of worship

Requirements **Upgrade Lighting Systems.** All lighting systems in commercial buildings including common areas and tenant spaces must be upgraded to comply with NYCECC. Residential common area lighting systems must also be upgraded to comply.

Install Submeters. Submeters must be installed to measure the electricity use of every commercial tenant over 10,000sf or per floor, whichever is smaller.

Issue Monthly Electrical Statements to Tenants. Monthly statements must be issued to each tenant showing their electricity consumption and associated charges.

File a report with the DOB. A registered design professional, a licensed master, or special electrician must file a report with the DOB certifying that sub-meters have been installed in all covered tenant spaces.

Schedule Lighting upgrades, submeter installations, DOB report filing completed by **January 1, 2025**

Link to Law [Int. 973: Lighting Upgrades & Submetering](#)

CREATION OF NEW YORK CITY ENERGY CONSERVATION CODE (NYCECC)

Applies to All commercial and residential buildings

Exemptions

- State or National Historic Buildings
- Buildings designated by the Landmarks Preservation Commission

Requirements **All additions, alterations, renovations and repairs to comply with NYCECC.** Regardless of the scale of work performed, it will need to conform to the NYCECC. Areas not included in the renovation do not need to conform.

Schedule Beginning **July 1, 2010** this law will apply to all work for which DOB construction document approval is required.

Link to Law [Int. 564: NYC Energy Conservation Code](#)

CodeGreen™ is a sustainable building consultancy based in New York City. CodeGreen provides LEED® certification services, Energy Star® consulting, energy audits, retro-commissioning, and sustainable operations program development. CodeGreen™ is currently greening over 60 million square feet of property throughout the country, and has achieved LEED® certification for over 8 million square feet of space in New York City, including 60% of the LEED® EB certified commercial office buildings in the City.

FOR DETAILS ON HOW THE NEW LAW WILL AFFECT YOUR PROPERTY, CONTACT CODEGREEN™

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