

Proposed Int. No. 1632-A

By Council Members Garodnick, Johnson, Constantinides, Cohen, Rosenthal, Menchaca and Gentile

A Local Law to amend the administrative code of the city of New York, in relation to energy efficiency scores and grades for certain buildings

Be it enacted by the Council as follows:

1 Section 1. Section 28-201.2.2 of the administrative code of the city of New York, adding
2 a new item 7 to read as follows:

3 7. A violation of section 28-309.12.

4 § 2. The title of article 309 of chapter 3 of title 28 of the administrative code of the city of
5 New York, as added by local law number 84 for the year 2009, is amended to read as follows:

6 **ARTICLE 309**
7 **BENCHMARKING ENERGY AND WATER USE**
8 **AND DISCLOSURE OF ENERGY EFFICIENCY SCORES AND GRADES**
9

10 § 3. Article 309 of chapter 3 of title 28 of the administrative code of the city of New York
11 is amended by adding new sections 28-309.12 to read as follows:

12 **§ 28-309.12 Energy efficiency scores and energy efficiency grades.** Energy efficiency scores
13 and grades for buildings shall be obtained, assigned and disclosed in accordance with this
14 section.

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16 **§ 28-309.12.1 Definitions.** As used in section 28-309.12, the following terms shall have the
17 following meanings:

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19 **ENERGY EFFICIENCY GRADE.** The term “energy efficiency grade” means, for a
20 covered building, a grade based on an energy efficiency score assigned through the
21 benchmarking tool in accordance with this section as follows:

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23 1. If such score is equal to or greater than 90 the energy efficiency grade shall be A;
24

- 1 2. If such score is equal to or greater than 50 but less than 90, the energy efficiency
2 grade shall be B;
3
4 3. If such score is equal to or greater than 20 but less than 50, the energy efficiency
5 grade shall be C;
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7 4. If such score is less than 20, the energy efficiency grade shall be D;
8
9 5. If the owner of such building has not complied with section 28-309.12.2, and such
10 owner has had an opportunity to be heard with respect to such non-compliance,
11 the energy efficiency grade shall be F; and
12
13 6. If, in accordance with the rules of the department, it is not feasible to obtain an
14 energy efficiency score for such building or if such building is subject to the
15 exception in section 28-309.8, the energy efficiency grade shall be N.
16

17 **ENERGY EFFICIENCY SCORE.** The term “energy efficiency score” means, for a
18 building, the Energy Star rating for such building or a score that assesses the energy use
19 of such building relative to similar buildings that is assigned through the benchmarking
20 tool.

21
22 **ENERGY STAR RATING.** The rating that a building earns using the United States
23 Environmental Protection Agency ENERGY STAR portfolio manager to compare
24 building energy performance to similar buildings in similar climates.
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26 **§ 28-309.12.2 Energy efficiency score and energy efficiency grade required.** In 2020 and
27 in each calendar year thereafter, an owner of a covered building shall use the benchmarking
28 tool to provide an energy efficiency score for such building to the department in accordance
29 with the rules of the department unless, in accordance with such rules, the building is a type
30 of building for which it is not feasible to obtain an energy efficiency score. In each such year,
31 the department shall issue an energy efficiency grade to the owner in accordance with such
32 rules.
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34 **§ 28-309.12.3 Display of energy efficiency score and energy efficiency grade.** Within 30
35 days after the owner of a covered building obtains an energy efficiency grade, such owner
36 shall post such grade and the energy efficiency score upon which such grade was based in a
37 conspicuous location near each public entrance to such building, in a form and manner
38 established by the department.
39

1 **Exception:** This section 28-309.12.3 shall not apply to posting of the energy efficiency
2 score of a building with an energy efficiency grade of N.

3
4 **§ 28-309.12.4 Publication of energy efficiency grades and energy efficiency scores.** For
5 each building for which an energy efficiency grade or energy efficiency score is generated
6 pursuant to this section, the department shall make information generated in connection with
7 such grade and score publicly available online by no later than May 1 of the year following
8 such generation.

9
10 **Exception:** This section 28-309.12.4 shall not apply to information generated with
11 respect to a building with an energy efficiency grade of N.

12
13 **§ 28-309.12.5 Audits.** The department shall, from time to time, audit information submitted
14 for buildings in connection with energy efficiency grades and energy efficiency scores. Such
15 audits shall occur at least annually and shall involve appropriate sample size of buildings, as
16 determined by the department.

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18 § 4. a. On or before December 31, 2021, an agency designated by the mayor shall
19 electronically submit to the mayor and the speaker of the council a report on the value of the
20 energy asset score in predicting energy performance for buildings, including recommendations as
21 to whether and in what form and manner such scores should be disclosed.

22 b. As used in this section:

23 Agency. The term “agency” means an agency, as defined in section 1-112 of the
24 administrative code of the city of New York, the head of which is appointed by the mayor or by a
25 person appointed by the mayor.

26 Energy asset score. The term “energy asset score” means, for a building, a score that
27 evaluates the energy efficiency of such building’s envelope and mechanical and electrical
28 systems.

29 § 5. This local law takes effect immediately.

