

2018

ENERGY CODE REVISION

HANDBOOK

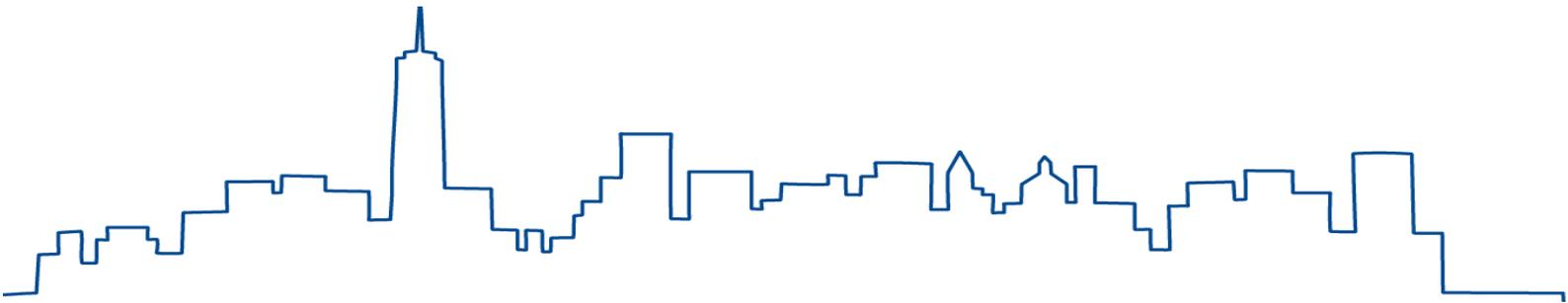


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1. BACKGROUND INFORMATION

- A. **Scope.** The New York City Energy Conservation Code (NYCECC) regulates the design and construction of buildings to support minimum levels of energy efficiency.
- B. **New York State Energy Code.** The New York State Energy Conservation Construction Code (NYSECCC) establishes minimum energy conservation requirements for buildings in New York State.
- C. **Municipal Codes.** In accordance with Section 11-109 of the New York State Energy Law, municipalities may promulgate their own energy code, provided such local code is “more stringent than” the New York State Energy Code.
- D. **New York City Codes.** The *New York City Construction Codes* consist of five technical volumes: Building Code (BC), Plumbing Code (PC), Mechanical Code (MC), Fuel Gas Code (FGC), Energy Conservation Code (ECC); and one administrative volume: the Administrative Code (Title 28) (a.k.a. *General Administrative Provisions*), that contains permitting, licensing, fees, and other provisions that apply universally to the five technical volumes.

The Construction Codes protect public health, safety, general welfare, and the environment by establishing minimum standards for the design, construction, and occupancy of buildings. Builders and owners may exceed the requirements of the code, but cannot construct to a standard below that mandated by the code.

Separate from the Construction Codes, the New York City Department of Buildings (DOB) also enforces the New York City Electrical Code and the New York City Zoning Resolution.

This code revision effort concerns **only** the revisions to the NYCECC. Please refer to the Department’s website for the revision efforts concerning the other codes.

- E. **2016 New York City Energy Conservation Code.** The 2016 New York City Energy Conservation Code (NYCECC) went into effect on October 3, 2016.
- F. **Mandated Revision.** Section 28-1001.3.1 of the New York City Administrative Code requires that the New York City Department of Buildings (the Department) submit to the City Council proposed amendments that the Department determines should be made to the NYCECC to bring it up-to-date with or exceed

the latest edition of the NYSECCC. The Department shall, at a minimum, submit such proposed amendments (i) following any revision of the NYSECCC that establishes more stringent requirements than those imposed by the NYCECC and (ii) every third year after the enactment of the NYCECC.

- G. Local Law 32 of 2018.** In addition, Section 28-1001.3.3 of the New York City Administrative Code, as a result of Local Law 32 of 2018, requires that the amendments proposed by the Department for the 2019 NYCECC must bring it up-to-date with the NYStretch Code – Energy 2018 published by the New York State Energy Research and Development Authority (NYSERDA), provided that such Stretch Code is more stringent than the NYSECCC.

Local Law 32 also requires that the 2022 NYCECC is at least as stringent as the published NYStretch Code - Energy when such proposed amendments are submitted to city council, and that the 2025 NYCECC establishes a metric for measuring predicted energy use and sets target energy use metrics for different building types.

- H. Model Codes.** Due to the evolving nature of engineering and technology, local governments rely on model codes promulgated by independent organizations to form the basis of their energy codes. Both the City and State Energy Codes are based on the International Energy Conservation Code (IECC) published by the International Code Council (ICC).

2. GOALS of the 2019 NYCECC REVISION EFFORT

- A. Adopt the Latest Version of the NYSECCC.** The 2016 NYCECC adopted the 2016 version of the NYSECCC, with New York City amendments. This NYCECC revision effort is intended to reflect the anticipated adoption of the 2018 IECC Model Code commercial and residential provisions by the State, with the 2018 Supplement to the NYSECCC.
- B. Incorporate the Latest Version of the NYStretch Code - Energy.** In addition to bringing the NYCECC in alignment with the NYSECCC, Local Law 32 of 2018 mandates that the City must amend the NYCECC to align it with the latest version of the NYStretch Code – Energy published by NYSERDA.

- C. Retain Local Amendments.** The 2016 NYCECC replaced the administrative provisions of the 2016 NYSECCC to align with the Department’s administrative and enforcement structure. Among other differences in the administrative provisions, the NYCECC requires stronger documentation and inspection to verify compliance, applies to all new buildings and alterations, and has broader applicability. It also added several technical changes requiring more stringent lighting controls, mandatory air leakage testing, and more stringent thermal envelope requirements for residential buildings. These New York City-specific amendments should be retained, if they are not superseded by requirements in the NYStretch Code – Energy 2018.

- D. Adopt Additional Enhancements.** Consideration should be given to making additional enhancements to the NYCECC that will clarify existing provisions or will make the NYCECC more stringent than the NYSECCC.

- E. Coordinate NYCECC with the Revisions to the NYSECCC.** New York City is required to prepare, review, and finalize changes to the NYCECC as proposed law to coordinate with the adoption of changes to the NYSECCC and to ensure that it is more stringent than the NYSECCC.

- F. Submission of Revised NYCECC to New York State.** In accordance with Section 11-109 of the New York State Energy Law, upon the Mayor’s signing of the approved local law, the revised NYCECC must be filed with the State Fire Prevention and Building Code Council. The State will determine whether the NYCECC is more stringent than the NYSECCC.

3. STRUCTURE of the 2019 NYCECC REVISION EFFORT

To facilitate revisions to the 2016 NYCECC, the Department has dedicated staff to the effort and, in accordance with Section 28-1001.3.2 of the New York City Administrative Code, has organized the New York City Energy Conservation Code Residential and Commercial Advisory Committees (‘Advisory Committees’ or ‘The Committees’).

- A. Assistant Commissioner of Technical Affairs and Code Development.** The Assistant Commissioner of Technical Affairs and Code Development (the Assistant Commissioner) is responsible for overseeing the NYCECC revision cycle.

- B. Advisory Committee Chair.** The Chief Sustainability Officer will serve as the chair of the Advisory Committees. The chair will be responsible for:
- Setting committee meeting dates;
 - Establishing agenda items;
 - Providing technical expertise to the Advisory Committees;
 - Maintaining focus and control of committee meetings; and
 - Determining the need for technical experts.
- C. Advisory Committee Technical Expert.** The Director of Energy Code Compliance will serve as the Technical Expert to the Advisory Committees. The technical expert will be responsible for:
- Drafting the proposed revision for the Advisory Committees review;
 - Providing technical expertise to the Advisory Committees; and
 - Providing technical expertise to the Assistant Commissioner in the review of documents and comments received from the Advisory Committees.
- D. Advisory Committee Coordinator.** The Sustainability Project Manager will serve as the Advisory Committees' coordinator. The coordinator will be responsible for:
- Sending and receiving all correspondence to and from the committee members;
 - Documenting committee comments and recommendations;
 - Preparing committee meeting summaries; and
 - Sending meeting notices and appointments.
- E. Advisory Committees.** The Advisory Committees are responsible for reviewing and providing recommendations on proposed amendments to the NYCECC.
- i. Committee Members.** In accordance with Section 28-1001.3.2 of the New York City Administrative Code, the Advisory Committees must include registered design professionals knowledgeable in energy efficiency, energy conservation, building design and construction; environmental advocates with expertise in energy efficiency and conservation; construction and real estate professionals; and representatives of appropriate labor organizations. All Committee members are subject to a background check performed by the City, and approval of the Department.
 - ii. Advisory Committee Guest Experts.** As needed, and per the approval of the Assistant Commissioner, the chair may invite a guest expert(s) to participate in a limited number of committee meetings to provide guidance to the committees on a specific subject(s). Such guest expert(s) will not be considered a member of the committee.

- iii. **Meetings.** The Advisory Committees may conduct work during meetings, via conference calls, or electronically, as determined by the committee chair.
- iv. **Advisory Committees Time Commitment.** Members of the Advisory Committees are expected to review all materials provided to the Committees, and must be available to attend all Advisory Committee meetings. Committee members may be removed or replaced, at the discretion of the Assistant Commissioner, for repeatedly missing meetings. Members of the Advisory Committees and Guest Experts will not be reimbursed for time dedicated to the work and meetings of the committee.
- v. **Committee Findings.** The advisory committees are not required to achieve consensus, and their findings or recommendations will be non-binding.

4. PROCESS of the 2019 NYCECC REVISION EFFORT

To facilitate a timely review and development of revisions, the following process will be utilized.

- A. **Department Review.** The Department of Buildings staff will review the current NYCECC, the proposed NYSECCC, and the NYStretch Code – Energy 2018, and draft proposed amendments to the NYCECC.
- B. **Energy Code Advisory Committee Work.** The Advisory Committee members will review the proposed amendments to the NYCECC drafted by Departmental staff and provide comments and/or recommendations for additional amendments for consideration by the Department.
- C. **Review of Recommendations.** After comments or revisions have been proposed by the Committees, the Department will review the recommendations and incorporate, as appropriate, into the base document of amendments to the NYCECC. At the discretion of the Advisory Committees' chair, the Committees may further meet to discuss the resulting document.
- D. **Legal Review.** Attorneys at the Department and the New York City Law Department will review, format and finalize the document to craft the final revisions to the NYCECC and ensure the final document is in correct local law format.

- E. Submission of Draft Local Law.** The New York City Law Department will submit the draft Local Law to the City Council for their review and approval.
- F. Mediation.** The New York City Council may review, hold public hearings, revise and, hopefully, approve the final local law which the mayor then would sign.
- G. Code of Conduct.** As an Energy Code Advisory Committee member, individuals must conduct themselves in a professional, ethical and respectful manner. Committee members must actively participate in all aspects of committee work, including attending all meetings and complying with deadlines for assigned tasks. Additionally, members must comply with all provisions of this handbook. Individuals who fail to comply with the aforementioned standards may, at the discretion of the Assistant Commissioner, be dismissed from code revision participation.

Members of the Energy Code Advisory Committee are volunteers, and may not accept bribes, gratuities, gifts, or any form of compensation for serving as an Energy Code Advisory Committee member, with the exception of the funding disclosed in Part A of the Energy Code Advisory Committee Application. Committee members must immediately notify the Department of any changes to the information provided on their application. Failure to make such notification to the Department may impact a member's continued participation in the code revision process.