

**MAYOR'S OFFICE OF ENVIRONMENTAL COORDINATION
NOTICE OF AMENDMENT TO THE
GREEN BUILDING STANDARDS RULES**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Mayor's Office of Environmental Coordination by section 1043 of the New York City Charter, subdivision i of section 224.1 of the New York City Charter, and Executive Order No. 97 of 2006, and after a duly advertised public hearing held on May 13th, 2009 after first publication in the *City Record* on April 10, 2009, that the Mayor's Office of Environmental Coordination has promulgated the following amendment to the green building standards rules.

Section 10-02 of chapter 10 of title 43 of the Rules of the City of New York is amended to read as follows:

§10-02 Selected green building rating system. Pursuant to paragraph (11) of subdivision (a) of section 224.1 of the Charter, on and after June 26, 2009 the "selected green building rating system" is the Leadership in Energy and Environmental Design (LEED) 2009 New Construction and Major Renovations Rating System, LEED 2009 for Commercial Interiors Rating System, LEED 2009 for Schools New Construction and Major Renovations Rating System, LEED 2009 for Core and Shell Development Rating System, and LEED 2009 for Existing Buildings: Operations and Maintenance Rating System published by the United States Green Building Council, whichever is most appropriate for the project under United States Green Building Council guidelines except that for projects that either received funding from the city treasury or received design approval prior to June 26, 2009 or that applied to the United States Green Building Council for certification prior to June 26, 2009, the selected green building rating system may be New Construction version 2.2, Existing Buildings version 2.0, or Commercial Interiors version 2.0 of the Leadership in Energy and Environmental Design (LEED) building rating system published by the United States Green Building Council, whichever is most appropriate for the project under United States Green Building Council

guidelines. Except as otherwise provided in subdivision (a) of section 10-05 of this chapter for calculation of required reductions in energy cost, the selected green building rating system shall apply to capital projects subject to subdivision (b) of section 224.1 of the Charter unless an alternative, not less stringent, green building standard has been specifically approved by the Director of the Office of Environmental Coordination as set forth in such subdivision.

Statement of Basis and Purpose

Local Law No. 86 for the year 2005 amended the New York City Charter by adding a new section 224.1 (green building standards). The local law, which became effective on January 1, 2007, provides that the “mayor shall promulgate rules to carry out the provisions of this section.”

Executive Order No.97 of 2006 authorizes the Director of the Mayor’s Office of Environmental Coordination to exercise the powers and duties granted to the Mayor in connection with the implementation of Local Law 86. Such powers and duties include: (1) promulgating rules pursuant to Charter Chapter 45, known as the City Administrative Procedure Act; (2) administering exemptions from the requirements of the law; (3) working with other City agencies to monitor compliance with the law; (4) publishing findings, where necessary, on whether proposed green buildings standards are not less stringent than the applicable Leadership in Energy and Environmental Design (“LEED®”) standard; and (5) taking all other actions necessary to implement and administer the law.

The green building standards rules previously promulgated define the selected green building rating system as New Construction version 2.2, Existing Buildings version 2.0, or Commercial Interiors version 2.0 of the Leadership in Energy and Environmental Design (LEED®) building rating system published by the United States Green Building Council (USGBC), whichever is most appropriate for the project under USGBC guidelines. This amendment to the Rules redefines the selected green building rating system as the Leadership in Energy and Environmental Design (LEED®) 2009 green building standards for New Construction, Commercial Interiors, Schools, Core and Shell, and Existing Buildings published by the USGBC. This selected green building rating system shall apply to capital projects subject to subdivision b of section 224.1 of the Charter unless an alternative, not less stringent, green building standard has been specifically approved by the Director of the Mayor’s Office of Environmental Coordination as previously set forth in such section.

The purpose of updating the selected green building rating system is to allow agencies to continue to apply to the USGBC for certification of their projects in accordance with the provision in the law that requires capital projects to apply to the USGBC for certification that such projects have achieved a Silver or higher rating under the LEED® green building rating system or, with respect to projects involving buildings classified in occupancy groups G or H-2, a certified or higher rating under such system. Applying to the USGBC for certification of a rating under each of the LEED® 2009 rating systems also allows projects to utilize version 3 of USGBC LEED® Online, a tool that will expedite administration of the certification process for each project, thereby reducing costs to the City.

Another purpose for updating to LEED® 2009 rating systems is to ensure that the City will continue to utilize green building standards that are recognized by New York State and federal authorities considering the allocation of funds for the upgrade of city projects to meet green building standards.

The LEED® 2009 systems also offer a number of improvements that further streamline the certification process, further reducing cost to the City. As the USGBC has stated, the systems consolidate and align the credits and prerequisites from previous LEED® systems, so that credits and prerequisites covered by the LEED® 2009 green building standards are consistent across project types. Necessary precedent-setting and clarifying information from Credit Interpretation Rulings are also incorporated. In addition, the LEED® 2009 credits have different weightings depending on their ability to impact different environmental and human health concerns. With revised credit weightings, the credits award more points for strategies that will have greater positive impacts on environmental issues of greater concern, such as energy efficiency and CO₂ reduction. Specific environmental issues are also prioritized by region in the LEED® 2009 rating systems, thereby allowing capital projects to receive more points for addressing environmental issues that are most important to the region in which the City is located.