



Legislation Details (With Text)

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**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the base building systems of certain buildings to be operated by individuals with a certificate in building energy efficiency from an approved program.

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12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 13

By Council Members Koslowitz, Chin, Constantinides, Koo, Levine, Palma, Rosenthal, Cohen, Lancman, Rodriguez, Torres, Johnson, Vallone, Reynoso, Kallos, Crowley, Levin and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to requiring the base building systems of certain buildings to be operated by individuals with a certificate in building energy efficiency from an approved program.

Be it enacted by the Council as follows:

Section 1. Section 28-308.5 of the administrative code of the city of New York, as added by local law number 87 for the year 2009, is amended to read as follows:

**§ 28-308.5 Contents of energy efficiency report.** Except as otherwise provided in section 28-308.7, the energy efficiency report shall include, in a format prescribed by the department, (i) the energy audit report or

documentation substantiating that an exception as set forth in section 28-308.2 applies to such building, (ii) the names and qualifications of individuals holding certificates in building energy efficiency for the operation of the base building systems of the building, as required by article 316 of this chapter, and~~(ii)~~(iii) the retro-commissioning report or documentation substantiating that an exception as set forth in section 28-308.3 applies to such building.

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 316 to read as follows:

### **ARTICLE 316**

#### **CERTIFICATE IN BUILDING ENERGY EFFICIENCY REQUIRED FOR OPERATION OF BASE BUILDING SYSTEMS OF CERTAIN BUILDINGS**

**§28-316.1 Definitions.** As used in this article, the following terms shall have the following meanings:

**BASE BUILDING SYSTEMS.** Shall have the same definition as set forth in section 28-308.1 of this code.

**CITY BUILDING.** Shall have the same definition as set forth in section 28-308.1 of this code.

**COMMERCIAL BUILDING.** A covered building other than those classified in occupancy groups R and I.

**COVERED BUILDING.** Shall have the same definition as set forth in section 28-308.1 of this code.

**SUPERVISION.** Responsible control exercised over individuals in the direct employ of the owner, or in the employ of the owner pursuant to the terms of a contract to provide services to operate a covered building, by the holder of an appropriate certificate from an approved program. Such certificate holder need not be present at all times while building systems are in operation.

**OPERATE.** To control the normal functioning of a building system with responsibility for its energy use and/or energy consumption.

**RESIDENTIAL BUILDING.** A covered building classified in occupancy groups R or I.

**SIMPLE BUILDING.** Shall have the same definition as set forth in section 28-308.1 of this code.

**§28-316.2 Certificate in building energy efficiency required to operate base building systems of covered**

buildings. The building owner shall ensure that the base building systems of a covered building are operated by or under the supervision of an individual who holds a current valid certificate in building energy efficiency from a program that meets the requirements of the department for the type of building being operated. The owner shall provide the name of the individual, the name of the program issuing such certificate, the expiration date of such certificate and a number or code that uniquely identifies the individual holding such certificate. Such certificate must be kept valid and current in accordance with the renewal requirements of the applicable certification program. A copy of the certificate must be kept on file at the building and must be made available upon request to inspectors of the department. The building owner must certify compliance with this article at least once every three years in a manner set forth in the rules of the department.

**Exception:** For covered buildings that meet the requirements of section 28-308.2, exception 2, building operator certification in building energy efficiency shall not be required.

**§28-316.2.1 Residential building that is a simple building.** The certificate required for the operation of the base building systems of a residential building that is a simple building must be conferred by a program approved by the department that requires individuals to demonstrate competence, through written examination, in the areas of:

1. the building envelope;
2. heating systems;
3. ventilating systems;
4. local air conditioning systems; and,
5. at least one of the following:
  - 5.1. central air conditioning systems;
  - 5.2. conveying systems;
  - 5.3. domestic hot water systems;
  - 5.4. electrical and lighting systems;

- 5.5. building automation systems;
- 5.6. planned and preventative maintenance;
- 5.7. energy management; or
- 5.8. water use and conservation.

**Exception:** In residential buildings that are simple buildings where the building owner is not responsible for the maintenance of any local air conditioning systems, the certificate required by this section need not demonstrate competence in the area of local air conditioning systems.

**§28-316.2.2 Commercial buildings and residential buildings, other than residential buildings that are simple buildings.** The certificate required for the operation of the base building systems of a commercial building or for the operation of a residential building, other than a residential building that is a simple building, must be conferred by a program approved by the department that requires individuals to demonstrate competence, through written examination, in the areas of:

- 1. heating systems;
- 2. ventilating systems;
- 3. central air conditioning systems;
- 4. domestic hot water systems;
- 5. electrical and lighting systems; and,
- 6. in at least one of the following areas
  - 6.1. building envelope;
  - 6.2. conveying systems;
  - 6.3. local air conditioning systems;
  - 6.4. building automation systems;
  - 6.5. planned and preventative maintenance;
  - 6.6. energy management; or

6.7. water use and conservation.

**§28-316.3 Approved programs.** The department may approve programs that meet the requirements of this section and any rules promulgated by the department. The program must require the applicant to demonstrate, by written examination, competency in the areas shown in this article. The program shall require credential maintenance of the certified individual by renewal of certification no less frequently than every three years, where such recertification consists of either an exam or by completion of a minimum of six hours of continuing education classes, without requiring that such classes be provided by the certification organization or any specific organization.

**§ 28-316.4. Compliance.** Compliance with the provisions of this article shall be required on and after January 1, 2017 for all covered buildings.

§ 3. This local law shall take effect on January 1, 2015 except that the commissioner of buildings may promulgate rules or take other administrative actions prior to such effective date.

JCH  
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