



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 343-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** To amend the administrative code of the city of New York, in relation to amending the New York City energy conservation code

**SPONSORS:** Council Members Dilan, Comrie, Garodnick, Gentile, Vann, Williams, Rodriguez, Mendez, Mark-Viverito, James, Crowley and Van Bramer (by request of the Mayor)

**SUMMARY OF LEGISLATION:** The Energy Conservation Construction Code of New York State (“State Energy Code”) sets standards for the energy performance of residential and commercial buildings throughout New York. However, the State Energy Law permits a municipality to promulgate a local energy conservation construction code that is more stringent than the State Energy Code. In 2009, the Council established such an Energy Conservation Code, with the enactment of Local Law 85, which established the New York City Energy Conservation Code (ECC). However, in April 2010 the State amended the State Energy Code in its entirety based upon the 2009 Edition of the International Energy Conservation Code. Because of this amendment, in certain respects, the State Energy Code would be more stringent than the City’s current Energy Conservation Code and would therefore apply to the City if the City’s Energy Conservation Code is not amended before the State’s new code takes effect on December 28, 2010.

Proposed Int. No. 343-A adopts the 2010 State Energy Code, amends certain sections of the Administrative Code and amends certain sections of the Building Code’s requirements related to coordination with the Energy Code to ensure that the City’s Energy Conservation Code remains more stringent than the new State Energy Code.

**EFFECTIVE DATE:** This legislation would take effect on December 28, 2010 and would apply to work for which applications for construction document approval are submitted to the Department of Buildings on or after such date, provided that the Commissioner of Buildings may take all actions necessary to implement this local law, including the promulgation of rules, on or before such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:**

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY11</b>	<b>FY Succeeding Effective FY12</b>	<b>Full Fiscal Impact FY11</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** There would be no impact on revenues by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be impact on expenditures by the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Principal Legislative Financial Analyst  
Latonia McKinney, Deputy Director

**HISTORY:** Intro. 343 was introduced by Council and referred to the Committee on Housing and Buildings on September 29, 2010. The Committee held a hearing and laid over Int. 343 on November 12, 2010. An amendment has been proposed, and the Committee will vote on an amended version of the legislation, Proposed Int. 343-A, on December 8, 2010.