

NEW YORK CITY AMENDMENTS TO THE ENERGY CONSERVATION CODE OF NEW YORK STATE

Matter underlined is new.

Source: Local Law 85 of 2009, effective July 1, 2010.

These pages reflect changes made by the New York City Council's passing of Local Law 85 of 2009. Please place the following pages in the beginning of your hard copy of the Energy Conservation Construction Code of New York State – 2007 (State Energy Code). Visit our [webpage](#) to ensure that your codes are complete and up to date as the City Council may periodically pass Local Laws that affect the Construction Codes.

§28-1001.2 The New York city amendments to the 2007 energy conservation construction code of New York state. The following New York city amendments to the 2007 energy conservation construction code of New York state are hereby adopted as set forth in this section:

Section 101.1

Section 101.1 is revised to read as follows:

101.1 Title. These provisions shall be known and cited as the "*New York City Energy Conservation Code*," "NYCECC" or "ECC." It is referred to herein as "this code." All section numbers in this code shall be deemed to be preceded by the designation "ECC."

Section 101.2

Section 101.2, including subsections, are deleted in its entirety and a new section 101.2 is added to read as follows:

101.2 Scope. This code applies to residential and commercial buildings as defined herein.

- 1.** Where reference is made within this code to codes referenced in the *Uniform Fire Prevention and Building Code of New York State* or to the *Residential Code of New York State*, the reference shall be deemed to be to the analogous provision of the *New York City Construction Codes*, the 1968 building code of the city of New York, the *New York City Fire Code* and the *New York City Electrical Code*.
- 2.** Where reference is made within this code to the *New York City Building Code*, the reference shall be deemed to be to the analogous provision of the *New York City Construction Codes*, the 1968 building code of the city of New York., the *New York City Fire Code* and the *New York City Electrical Code*.

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Section 101.4.3

Section 101.4.3 is revised to read as follows:

101.4.3 Historic buildings. The following exceptions shall apply:

1. Any building or structure that is listed in the State are National Register of Historic Places; designated as an historic property under state designation law or survey; certified as a contributing resource within a National Register listed historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places, either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, is exempt from this code.
2. Any building or structure that is designated by the Landmarks Preservation Commission, either as an individual landmark or as within an historic district and is not listed, designated or certified as provided in subdivision one of this section; or that is calendared by the Landmarks Preservation Commission for consideration as an individual landmark or part of an historic district and is not certified to be eligible to be listed as provided in subdivision one of this section, is exempt from the envelope and exterior lighting requirements of this code. Any interior that is designated as a New York city landmark and is not listed, designated or certified as provided in subdivision one of this section; or that is calendared for consideration by the Landmarks Preservation Commission for designation as an interior landmark and is not certified to be eligible to be listed as provided in subdivision one of this subsection, is exempt from this code.

Section 101.4.4

Section 101.4.4, including subsections, is deleted in its entirety and a new section 101.4.4 is added to read as follows:

101.4.4 Additions, alterations, renovations and repairs. Additions, alterations, renovations and repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as such provisions relate to new construction without requiring the unaltered portions) of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems.

Exception: The following need not comply with this code, provided the energy use of the building is not increased:

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1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
4. Construction where the existing roof wall or floor cavity is not exposed.

Section 101.5.1

Section 101.5.1 is deleted in its entirety and a new section 101.5.1 is added to read as follows:

101.5.1 Demonstration of compliance. The following documentation, as further described in rules promulgated by the department, shall be required to demonstrate compliance with this code for any building application or applications related to a project required to be submitted to the department:

101.5.1.1 Professional statement. Any registered design professional or lead energy professional filing such application or applications shall provide, sign and seal the following statement: "To the best of my knowledge, belief and professional judgment, these plans and specifications are in compliance with the *New York City Energy Conservation Code.*"

101.5.1.2 Energy analysis. For any project an energy analysis comprising a sheet or sheets within the drawing set of the initial application for the project shall be provided. The energy analysis shall demonstrate how the project design complies with this code.

1. For any new building project, such analysis shall include the envelope, mechanical, service water heating, and lighting and power systems in accordance with this code, regardless of how the project may be broken down into separate jobs for filing or other purposes.
2. For any building alteration project or addition, such analysis shall compare the proposed design to prescriptive requirements of this code, except where alternate methods are provided in rules promulgated by the department.

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Exception: An energy analysis shall not be required for work not required to have a permit as provided pursuant to section 28-105.4 of the *Administrative Code*.

101.5.1.3 Supporting documentation. Supporting documentation, which is the approved construction drawings for a project, shall demonstrate conformance of such approved drawings with the energy analysis for every element of the energy analysis. In addition, it shall demonstrate conformance with other mandatory requirements of this code, including but not limited to mechanical and lighting system controls.

Exception: Supporting documentation shall not be required for work not required to have a permit as provided pursuant to section 28-105.4 of the *Administrative Code*.

Section 101.5.2.3

Section 101.5.2.3 - Delete section.

Section 105.1

A new subsection 105.1.2 is added to read as follows:

105.1.2 Reconciliation with *Energy Conservation Construction Code of New York State*. Whenever any provision of the *Energy Conservation Construction Code of New York State* provides for a more stringent requirement than imposed by this code, the more stringent requirement shall govern.

Section 202

General Definitions

Revise the definition of "Addition" after the definition of "Accessible," to read as follows:

ADDITION. An extension or increase in the conditioned space floor area or height of a building or structure.

Delete the definition of "Agricultural buildings" after the definition of "Addition" in its entirety.

Add a new definition of "Alteration" before the definition of "Approved," to read as follows:

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ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

Revise the definition of "Approved" before the definition of "Automatic," to read as follows:

APPROVED. Approved shall have the meaning as such term is defined in section 28-101.5 of the *Administrative Code*.

Add a new definition of "Project" before the definition of "Proposed design," to read as follows:

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 106 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Delete the definition of "Substantial Alteration" in its entirety.

Revise the definition of "System or Subsystem" to read as follows:

SYSTEM. A building assembly made up of various components that serve a specific function including but not limited to exterior walls, windows, doors, roofs, ceilings, floors, lighting, piping, ductwork, insulation, HVAC system equipment or components, electrical appliances and plumbing appliances.

Chapter 10

Chapter 10: Under ASHRAE, revise "*90.1-2001" to "90.1-2004."