

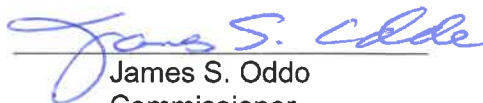
**NEW YORK CITY DEPARTMENT OF BUILDINGS
NOTICE OF ADOPTION OF RULE**

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by section 643 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, DOB is adding a section 103-18 to Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York.

This rule was first published on September 18, 2023 and a public hearing was held on October 26, 2023. DOB received and reviewed written and oral comments from the public.

Dated: _____

12/14/23
New York, New York


James S. Oddo
Commissioner

Statement of Basis and Purpose

Local Law No. 88 of 2009 (“Local Law No. 88” or the “Law”) was enacted on December 28, 2009, to require buildings greater than 50,000 square feet to upgrade lighting systems and install electrical sub-meters in tenant spaces by January 1, 2025, to promote energy efficiency in buildings. The law was subsequently amended to include buildings that are 25,000 square feet and larger.

This rule addresses compliance with the Law, including the following:

- Details on how to report compliance with required lighting upgrades
- Penalties for failing to report compliance with required lighting upgrades
- Details on how to report compliance with sub-meter installation in tenant spaces
- Penalties for failing to report and failing to comply with sub-meter installation in tenant spaces

The Department’s authority for these rules is found in sections 643 and 1043(a) of the New York City Charter and Article 310 and 311 of Chapter 3 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate ellipses, i.e., unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 103-18 to read as follows:

§ 103-18 Upgrades of lighting systems and installation of electrical sub-meters in tenant spaces.

(a) Definitions. Terms defined in Article 310 and 311 of Title 28 of the Administrative Code have the same meanings in this section.

(b) Report for required upgrades of lighting systems. No later than May 1, 2025, the owner of a covered building must submit a report, in a form and manner determined by the Department, in accordance with section 28-310.3 of the Administrative Code. Such report must include an attestation by a registered design professional, a licensed master electrician, or a licensed special electrician certifying that the lighting system of the entire building has been inspected and

upgrades have been implemented, pursuant to lighting power allowances and controls requirements for each of the spaces, in compliance with the New York City Energy Conservation Code that was in effect at the time of such implementation, provided that the lighting system must comply with a version of the New York City Energy Conservation Code in effect on or after July 1, 2010.

(c) *Penalty for failure to file a lighting upgrade report.* An owner of a covered building shall be liable for a civil penalty in the amount of \$1,500 for failing to file a report in accordance with section 28-310.3 of the Administrative Code and subdivision (b) of this section. Such penalty will be assessed annually until the compliance report is filed.

(d) *Report for required installation of electrical sub-meters in tenant spaces.* No later than May 1, 2025, the owner of a covered building must submit a report, in a form and manner determined by the Department, in accordance with section 28-311.5 of the Administrative Code. Such report must include:

(1) A list of all covered tenant spaces in such covered building; and

(2) An attestation by a registered design professional, a licensed master electrician, or a licensed special electrician certifying that sub-meters have been installed for all covered tenant spaces in accordance with Article 311 of Title 28 of the Administrative Code; and

(3) A sample monthly statement in accordance with section 28-311.4 of the Administrative Code.

(e) *Penalty for failure to demonstrate installation of electrical sub-meters in tenant spaces.*

(1) An owner of a covered building shall be liable for a civil penalty in the amount of \$1,500 for failing to file a report in accordance with section 28-311.5 of the Administrative Code and subdivision (d) of this section. Such penalty will be assessed annually until the compliance report is filed.

(2) Failing to install a sub-meter in a covered tenant space in accordance with section 28-311.3 of the Administrative Code and subdivision (d) of this section shall be classified as a lesser violation. An owner of a covered building shall be liable for a civil penalty for such violation. Such penalty will be in the amount of \$500 for each covered tenant space where

a sub-meter has not been installed as required and will be assessed annually until all required sub-meters are installed.

(f) Procedures for penalties imposed under this section.

(1) Where a civil penalty is imposed for failure to file a report required by subdivision (b) or (d) of this section, the owner may request review of such determination by the department. A request for such review shall be submitted in writing within 30 days in a form and manner determined by the Department. The Department shall review such request and provide a response within 60 days.

(2) A civil penalty imposed for failing to install a sub-meter pursuant to paragraph (2) of subdivision (e) of this section will be processed in accordance with section 102-01.

§ 2. Table 1 of subdivision (k) of section 102-01 of the Rules of the City of New York is amended by adding a new line in numerical order to read as follows:

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty	Mitigated Penalty	Default Penalty	Aggravated I Penalty	Aggravated I Default Penalty	Aggravated II Penalty	Aggravated II Default — Max Penalty
1 <u>RCNY</u> <u>103-</u> <u>18(e)(2)</u>	<u>Class 3</u>	<u>Failure to</u> <u>install</u> <u>a</u> <u>sub-meter</u>	<u>Yes</u>	<u>Yes</u>	<u>\$500</u>	<u>Yes</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

