

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2011**

No. 20

Introduced by Council Members Dilan, Barron, Brewer, Cabrera, Chin, Comrie, Fidler, Garodnick, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Nelson, Palma, Rose, Vann, Williams, Rodriguez, Van Bramer, Halloran, Levin, Lappin, Recchia, Vallone, Crowley, Gennaro, Jackson, Wills, Greenfield, Reyna, Koo and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to allowing large solar rooftop installations.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that solar energy can meet some of New York City's energy needs, and that it is cleaner, cheaper, more sustainable and provides greater energy security. Growth in the solar power industry is also expected to create many jobs in New York City because the City has adequate solar resources to aggressively pursue increased solar power installations. Growth in the solar industry also has the potential to reduce energy costs over time. However existing Building Code provisions limit the percentage of the area of a roof that photovoltaic and solar thermal panels may cover without counting as additional height or stories making it more costly to install solar power collection and generation systems now. Therefore the Council finds that it is in the best interests of the City to remove these barriers and further incentivize installations of solar thermal and photovoltaic panels by permitting more than one third of the area of the roof to be covered by solar photovoltaic and solar thermal panels without counting as an additional floor.

§2. Section 27-306 of the administrative code of the city of New York is amended to read

as follows:

§27-306 **Measurement.** In applying the provisions of this code governing height limits, the following appurtenant structures shall not be included in the height of the building unless the aggregate area of all such structures, *exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment*, exceeds thirty-three and one-third percent of the area of the roof of the building upon which they are erected:

- (a) Roof tanks and their supports.
- (b) Ventilating, air conditioning, and similar building service equipment.
- (c) Roof structures, bulkheads, and penthouses.
- (d) Chimneys.
- (e) Parapet walls four feet or less in height.

§3. Article 7 of subchapter 4 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-306.1 to read as follows:

§27-306.1 Measurement; solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment. Notwithstanding any inconsistent provision of section 27-306 of this code, solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

§4. Section BC 504.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

504.3 Rooftop structures. Rooftop structures including but not limited to roof tanks and their supports, ventilating, air conditioning and similar building service equipment, bulkheads,

penthouses, chimneys, and parapet walls 4 feet (1219 mm) or less in height shall not be included in the height of the building or considered an additional story unless the aggregate area of all such structures, *exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment*, exceeds 33 and one-third percent of the area of the roof of the building upon which they are erected. Rooftop structures shall be constructed in accordance with Section 1509.

Exception: Solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

§5. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onApril 6, 2011..... and approved by the Mayor onApril 29, 2011.....

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 20 of 2011, Council Int. No. 341-A) contains the correct text and was passed by the New York City Council on April 6, 2011, approved by the Mayor on April 29, 2011 and returned to the City Clerk on April 29, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.