

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 92

Introduced by Council Members Richards, The Speaker (Council Member Johnson), Brannan, Rose, Espinal, Cohen, Rivera, Rosenthal, Rodriguez, Lander, Kallos, Chin, Gibson, Menchaca, King and Levin.

A LOCAL LAW

To amend the New York city building code, in relation to requiring that the roofs of certain buildings be partially covered in green roof or solar photovoltaic electricity generating systems

Be it enacted by the Council as follows:

Section 1. Item 1 of section BC 1511.2 of the New York city building code, as added by a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032, is amended to read as follows:

1. A contiguous area of a sustainable roofing zone measuring less than 200 square feet (18.5 m²), *or in the case of a building five stories or less in height where the main use or dominant occupancy is classified as Group R, such an area measuring less than 100 square feet (9.20 m²)*, shall be equipped with at least a solar photovoltaic electricity generating system if such system would accommodate at least 4kW of solar photovoltaic electricity generating capacity, as determined by the department; and

§ 2. a. The department of housing preservation and development shall study the potential impact of compliance with section 1511.2 of the New York city building code on affordability in connection with construction or renovation of (i) buildings with one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant as a condition of (A) a loan, grant, tax exemption or conveyance of property from any state or local

governmental entity pursuant to the private housing finance law or the general municipal law, or (B) a tax exemption pursuant to section 420-c of the real property tax law, (ii) buildings subject to the alternative enforcement program pursuant to section 27-2153 of the administrative code of the city of New York, and (iii) buildings owned by the department of housing preservation and development. Such department shall the results of such study report to the mayor and the speaker of the city council no later than 4 years after the effective date of this section. Such report shall include particularized recommendations for cost-effective pathways for these buildings to comply with section 1511.2 of the New York city building code, and whether the exemption provided for by subdivision b of this section should be continued to maintain affordability.

b. For a period of 5 years after the effective date of this section, buildings described in subdivision a of this section shall only be required to comply with section 1511.2 of the New York city building code to the extent determined by the department of housing preservation and development based on considerations of affordability or financial viability. Five years after the effective date of this section, all such buildings shall be required to comply with section 1511.2 of the New York city building code.

§ 3. This local law takes effect on the same date that a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032, takes effect, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

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 on April 18, 2019 and returned unsigned by the Mayor on May 20, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 92 of 2019, Council Int. No. 276-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.