

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 154

Introduced by Council Members Ampry-Samuel, Rivera, the Public Advocate (Mr. Williams), Van Bramer, Reynoso, Lander, Rosenthal, Kallos, Levin, Dromm, D. Diaz, Ayala, Menchaca, Adams, Barron, Chin, Cornegy, Rodriguez, Levine, Riley, Cumbo, Koslowitz, Dinowitz, Louis, Brooks-Powers, Cabán, Gennaro, Brannan and Rose.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the use of substances with certain emissions profiles

Be it enacted by the Council as follows:

Section 1. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-177.1 to read as follows:

§ 24-177.1 Prohibited emissions a. Buildings shall be subject to the emission limits set forth in this section in accordance with section 28-506.1.

b. No person shall permit the combustion of any substance that emits 25 kilograms or more of carbon dioxide per million British thermal units of energy, as determined by the United States energy information administration, within such building.

c. Notwithstanding the prohibition in subdivision b, combustion of a substance that emits 25 kilograms of carbon dioxide per million British thermal units of energy or more shall be permitted for use within such a building where the combustion of such substance occurs in connection with a device that contains no connection to a building's gas supply line or fuel oil piping system, is used on an intermittent basis, and is not used to supply a building with heat or hot water.

d. This section may be enforced by the department or the department of buildings.

§ 2. The table of civil penalties following subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York is amended by adding a new row in numerical order to read as follows:

24-177.1	\$400	\$4,000
----------	-------	---------

§ 3. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:

*ARTICLE 506
EMISSION PROFILE OF BUILDINGS*

§ 28-506.1 Prohibited Emissions in New Buildings. *New buildings shall be subject to the emissions limits set forth in section 24-177.1. The commissioner shall not approve an application for the approval of construction documents, nor issue any permit in connection therewith, for a new building that does not comply with section 24-177.1.*

Exceptions:

- 1. A building that is seven stories or more where an application for the approval of construction documents is submitted on or before July 1, 2027.*
- 2. A building that is less than seven stories where an application for the approval of construction documents is submitted on or before December 31, 2023.*
- 3. A building, other than a building, that is classified as group R-3, where such emissions are in connection with the provision of hot water and an application for the approval of construction documents is submitted on or before July 1, 2027.*
- 4. A building that is less than seven stories where the building owner demonstrates in accordance with rules promulgated by the department that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, and an application for the approval of construction documents is submitted before December 31, 2025.*

5. *A building that is seven stories or more where the building owner demonstrates in accordance with rules promulgated by the department that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, and an application for the approval of construction documents is submitted before December 31, 2027.*

6. *A building that will be primarily used by a utility regulated by the public service commission for the generation of electric power or steam.*

7. *A building within a facility operated by the department of environmental protection that treats sewage or food waste.*

8. *An application filed by or on behalf of the school construction authority submitted before December 31, 2024.*

9. *A building where it would not be required to comply with section 24-177.1 because the combustion of a substance that emits 25 kg or more of carbon dioxide per million British thermal units of energy is necessary for a manufacturing use or purpose, or for the operation of a laboratory, laundromat, hospital, crematorium, commercial kitchen as defined in section 602 of the New York city fire code, or where used for emergency or standby power, or other use allowed by rule of the department, to the extent necessary for, and in the space occupied by such use or purpose.*

§ 4. a. The office of long-term planning and sustainability, in consultation with other relevant agencies or offices of the city, and with experts in the operation of heat pumps, engineers and architects, shall conduct a study regarding the use of heat pump technology in relation to the anticipated use of such technology in connection with the implementation of this local law. Such study may reference, or draw from, data collected during, or the results of, prior studies. Such study shall include, but need not be limited to, evaluations of the feasibility within the city, the feasibility based on building size for buildings less than seven stories and for buildings seven stories and more, cost of installation based on building size for buildings less than seven stories and for buildings seven stories and more, cost of use based on building size for buildings less than

seven stories and for buildings seven stories and more, and environmental impact of the use of the following technologies:

1. Centralized air source heat pumps with storage tanks;
2. Ground source heat pumps and multi-source heat pumps;
3. Solar thermal with storage tanks and air source heat pumps; and
4. On-demand electric water heaters, both with tank and tankless, whichever is applicable

based on building size.

b. No later than June 1, 2023, the office of long-term planning and sustainability shall submit to the mayor and the speaker of the council, and make publicly available online, a report detailing the findings of the study conducted pursuant to this section.

§ 5. a. The office of long-term planning and sustainability, in consultation with other relevant agencies or offices of the city and with experts in the operation of electric grids, shall conduct a study regarding the reliability and resiliency of the city's electrical distribution grid, and transmission lines into the city, in relation to the anticipated use of such grid and lines for the implementation of this local law. Such study may reference, or draw from, data collected during, or the results of, prior studies. Such study shall include, but need not be limited to, evaluations of:

1. The current and projected 2030 load on the electrical grid for both winter and summer, including (i) an identification of factors that may affect demand; (ii) specific recommendations regarding the capacity that could be added to the current energy supply to meet such projected demand after consideration of such factors; and (iii) actions the city could take in connection with such recommendations;

2. Projected 2030 transmission electricity flows into zone J of the NYISO electrical grid;

3. Projected 2030 load on the electrical grid due to anticipated electrification;
4. Opportunities to incentivize flexible loads to support grid resiliency and reliability; and
5. Recommendations for improved infrastructure coordination and planning to support electrification.

b. No later than June 1, 2023, the office of long-term planning and sustainability shall submit to the mayor and the speaker of the council, and make publicly available online, a report detailing the findings of the study conducted pursuant to this section.

§ 6. This local law takes 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 on December 15, 2021 and approved by the Mayor on December 22, 2021.

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. 154 of 2021, Council Int. No. 2317-A of 2021 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.