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Environmental and Utilities Legal Update

New York City Unveils Green Legislation Package

New York City Mayor Michael Bloomberg and City Council Speaker Christine Quinn recently announced legislation that, if passed, will affect thousands of building owners in New York City. This green suite of legislation is designed to reduce greenhouse gas (GHG) emissions from existing government, commercial, and residential buildings. The package is composed of six parts, including four pieces of new legislation and two programs under "PlaNYC," a series of initiatives designed to help New York City meet long-term sustainability goals. According to the PlaNYC inventory of GHG emissions, almost 80 percent of New York City's carbon footprint comes from building-related energy use.

The six parts of the green package include the following:

- Legislation creating a New York City Energy Code that will apply to existing buildings undergoing renovations
 - Legislation requiring buildings of 50,000 square feet or more to conduct an energy audit once every ten years and to make improvements that pay for themselves within five years
 - Legislation requiring commercial buildings of 50,000 square feet or more to upgrade lighting to energy-efficient systems that pay for themselves through energy savings
 - Legislation requiring buildings of 50,000 square feet or more to make an annual benchmark analysis of energy consumption to identify steps that can be taken to increase efficiency
 - A jobs program for the real estate and construction industries that will train a workforce to fill an estimated 19,000 construction jobs the legislation will create
 - A financing program that uses federal stimulus money to provide loans for property owners to pay the upfront costs for efficiency upgrades
1. New York City Energy Code Bill
New York State currently uses the standard energy code known as the International Energy Conservation Code (IECC), but there is a loophole in New York that allows buildings to get around the energy code for smaller-scale renovations. If passed, New York City's energy conservation code would remove this loophole.
 2. Audits and Retrofits Bill
This legislation will require owners of buildings exceeding 50,000 square feet to have an "energy professional" conduct an energy audit every ten years to identify cost-effective energy efficiency improvements. Although this legislation would take effect immediately, no energy efficiency reports are required to be submitted to the Department of Buildings before December 31, 2013.

3. Lighting Upgrades Bill
Under this legislation, as of July 1, 2010, the lighting system for any renovation with an estimated cost of \$50,000 or more, regardless of whether the renovation project involves electrical work, will require an upgrade to comply with the standards for new systems set forth in the New York City Energy Conservation Code.
4. Benchmarking Bill
Benchmarking is the process by which a building's energy efficiency is evaluated to identify necessary improvements. If passed, this legislation will require a benchmarking standard for all "city buildings" - buildings owned by New York City or for which the City pays all or part of the annual energy bills and are more than 10,000 gross square feet. Benchmarking will be performed using a benchmarking tool developed by the U.S. Environmental Protection Agency.
5. Green Workforce Development Training Program
The package of green legislation will result in a need for energy auditors, contractors, construction workers, and other professionals skilled in the appropriate areas related to the requirements under the new legislation. This program is intended to provide an adequate supply of skilled technicians to implement the legislation and will create an estimated 19,000 construction jobs.
6. Green Building Financing Program
New York City will establish a revolving loan fund, using \$16 million in federal money from the American Recovery and Reinvestment Act, to assist building owners in financing retrofit projects. Loans will be offered to owners who demonstrate financial need or have already completed an energy audit.

Need More Information?

As a firm that has adopted a sustainability policy of its own, Robinson & Cole recognizes the importance, and the institutional challenges, of "going green." For more information on the topics covered above, please contact John A. Poakeart (jpoakeart@rc.com) at 203-462-7524 or Pamela K. Elkow (pelkow@rc.com) at 203-462-7548 in our Metro-New York office, or Earl W. Phillips (ephillips@rc.com) in our Hartford office at 860-275-8220.

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