OC 3: DON'T EXEMPT EXISTING BUILDINGS FROM GREEN CODES

New York City Building Code
Proposal developed by the Steering Committee

Summary

Issue:
Buildings constructed before the 2007 building code went into effect can use the laxer standards of the 1968 code for alterations. This exception allows existing buildings to bypass the environmental and health enhancements recommended by the NYC Green Codes Task Force.

Recommendation:
Require all buildings to comply with improved environmental and health standards.

Proposed Legislation, Rule or Study

Amendments to the New York City Building Code:

1. Amend Section 28-101.4.3 to add the following new paragraph:

8. All work shall comply with the following sections of the New York city construction codes as applicable: [List all sections added or amended by the NYC Green Codes Task Force]

Supporting Information

Issue – Expanded
In 2007, New York City adopted a modified version of the International Code Council’s family of construction codes, replacing the city’s 1968 building code that was largely outdated. Since July 2009, the new codes have been mandatory for new buildings. This tremendous achievement was the result of several years of work by the Department of Buildings in conjunction with hundreds of stakeholders including real estate, design, construction, labor and government experts.

This new code, however, contains a major loophole: existing buildings constructed under the 1968 building code can still, with certain exceptions, renovate under the standards of this outdated code or earlier codes. Since 85% of the buildings currently in NYC will still be here in 2030, this means that the vast majority of the city’s buildings would effectively be exempt from many modern standards of the 2008 codes. It also means most buildings would be exempt from many enhancements to the building code resulting from the recommendations NYC Green Codes Task Force. As such, addressing this loophole is essential for NYC buildings to become environmentally responsible and healthy places to live and work. In keeping with this proposal, the Energy Code enacted in December 2009 specifically includes existing buildings.

Environmental & Health Benefits
This proposal will have enormous environmental impact by determining the reach of many recommendations of the NYC Green Codes Task Force. Without its implementation, much of the work of the Task Force will only apply to the small subset of building constructed after 2008 – by 2030, according to the Mayor’s Office, only 15% of the city’s buildings.

For the purposes of the Executive Summary, this proposal was found to have no significant positive environmental impact.

This proposal was found to have no significant positive health impact.

Cost & Savings
The impact of this proposal on capital costs is complex given the wide range of project scopes for renovations and will
require further study. For the purposes of the Executive Summary, it was assumed this proposal will not have any significant impact on capital costs.

**Precedents**
The Task Force researched code practices as they apply to existing buildings in four cities regarded as leaders in green building: Chicago, San Francisco, Portland, and Seattle. Most of these cities require existing buildings that file for renovations to comply with all current energy and building codes. Exemptions are typically made only for historic structures if compliance would compromise the historic integrity.

In Chicago, all new construction and renovations are required to comply with the Chicago Energy Conservation Code. Historic structures are exempt only when the Landmarks Commission deems significant features would be impacted.\(^3\)

San Francisco’s Green Building Ordinance did not address existing buildings. Tenant improvements are required to be LEED certified for commercial interiors projects 25,000 square feet or larger. The State of California’s energy codes apply to all retrofits.\(^4\)

Portland has a proposal, but no requirement yet, to require existing buildings filing for a building permit to renovate to meet up-to-date energy codes.\(^5\)

All renovations in Seattle are subject to current building and energy codes.\(^6\)

**LEED**
Implementation of this proposal could help buildings achieve credits under many LEED rating systems.

**Implementation & Market Availability**
There are no known implementation issues for this proposal.

**ENDNOTES:**

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1. See Issue-Expanded (All buildings, for example, still must comply with the mechanical, fuel gas and plumbing codes for alterations.).


3. Interview with Elizabeth Scanlan, Director of Code Development, Dept. of Buildings, City of Chicago, IL. (Jan. 6, 2010); and Interview with Javier Ceballos, Mechanical Engineer, Energy and Sustainable Business, Dept. of the Environment, City of Chicago, IL. (Jan. 6, 2010).

4. Interview with Barry Hooper, Private Sector Green Building Program Specialist, Dept. of the Environment, City of San Francisco, CA. (Jan. 21, 2010).

5. Interview with Vinh Mason, Policy Analyst, Bureau of Planning and Sustainability, City of Portland, OR. (Jan. 7, 2010).

6. Interview with Jayson Antonoff, Policy Advisor, Sustainable Infrastructure & Energy/Climate Change, Department of Planning & Development, City of Seattle, WA. (Jan. 7, 2010).