OC 4:
RECONVENE THE GREEN CODES TASK FORCE

New York City Building Code
Proposal developed by the Steering Committee

Summary

Issue:
Green building is a rapidly evolving field, and New York City’s construction laws need to keep pace with these changes.

Recommendation:
Reconvene the NYC Green Codes Task Force every three years.

Proposed Legislation, Rule or Study

Amendments to the New York City Building Code:

1. Add a new Section 28-101.6 as follows:

§ 28-101.6 Convening the Green Codes Task Force. Beginning July 1, 2011 and every third year thereafter, the Mayor and Speaker of the City Council shall convene a Green Codes Task Force to recommend changes to city laws and regulations to improve the environmental and health performance of new and existing buildings. The task force shall be led by a chairperson with expertise on green building policy whose responsibilities shall be to:

1. Guide the work and schedule of the task force;

2. Select the chairs and members of each sub-committee;

3. Chair a steering committee, which shall be composed of a representative of the Mayor, a representative of the Speaker, the chairs of each technical committee, and other members as necessary;

4. Form an advisory committee, whose membership shall include representatives of real estate owners, tenants, labor, construction, the environment, social justice organizations, affordable housing and other interests as necessary; and

5. Form technical committees, whose members shall be subject matter experts.

Supporting Information

Issue – Expanded
The real estate industry has undergone a period of remarkable change over the last decade with the shift in green building from a niche practice to mainstream for Class A and government buildings. The laws governing construction in New York City, however, have not kept up with this pace. Codes have largely not been updated to reflect new practices and regulatory impediments are sprinkled through the city’s laws.

The codes affecting construction span at least one dozen titles of the city’s Administrative Code and its related rules. While concentrated in the Construction Codes and Zoning Resolution, these regulations are also found in the Health Code and Fire Code, as well as codes and rules for Environmental Protection, Consumer Affairs, Parks and Recreation, Sanitation, Housing Preservation and Development, Transportation, and Emergency Management. Until the NYC Green Codes Task Force was convened, no forum had yet considered the impact of all these agencies and codes on green building.

New York City also has the capacity to undertake code development through local access to many national green building leaders. Many architectural and engineering firms are headquartered or have offices in the city, along with leading real estate owners, environmental groups, university research departments, and green entrepreneurs.

Finally, the first NYC Green Codes Task Force has been an incredible success. This initiative brought together over 200 pro-bono members and other volunteers, generating thoughtful and well-researched code proposals. The 111 proposals
in the Task Force report range from minor codes changes to significant shifts that will make New York City buildings more energy and water efficient, and healthier places to live, work, and learn.

For these reasons, the NYC Green Codes Task Force should be reconvened every three years, ensuring New York City’s place as a capital of urban green building.

Environmental & Health Benefits
Reconvening the Task Force will provide a wide range of ongoing environmental and health benefits.

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
This proposal is to reconvene the Task Force, which will have no direct impact on construction costs.

Precedents
The Task Force researched the code development process in four cities regarded as leaders in green building: Chicago, San Francisco, Portland, and Seattle. All these cities have worked with local experts on initiatives to green their construction laws and building codes. Typically, these task forces have not been convened as part of a regular and systematic process but instead at the request of the city executive.

Chicago previously had a standing body to address energy issues, but it has been inactive for several years. In 2003, the city convened a task force to identify code impediments to green building. Since then, the Department of the Environment retained a consultant to propose updates to the energy code, which was reviewed and amended by the Department of Buildings before going to city council for approval. Chicago is now in the process of adopting the International Building Code, which has reactivated many code committees, though the Energy Code Committee is not one of them at present.

In San Francisco, building code changes are made at the discretion of the Mayor who identifies a policy priority, which is referred to a task force with the pertinent expertise and to stakeholder groups. Participants agree to a finite period of service advising the Mayor on a specific question in public meetings, which may result in an advisory report. The task force is infrequently invoked due to significant statewide efforts on codes, especially the new Green Building Standards Code.

Portland’s Bureau of Development Services is pursuing creation of a local building code amendment for sustainable construction standards. If successful, the local amendment will augment existing State building code requirements. A draft of the Local Code Amendment was finished in June 2009 but the project is on hold due to staff shortages.

Seattle convened a one-off green building task force. It created policies with a narrow focus and will not be continued on a recurring basis.

LEED
There are no LEED credits affiliated with this proposal.

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

ENDNOTES:

1 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).
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2 Interview with Barry Hooper, Private Sector Green Building Program Specialist, Dept. of the Environment, City of San Francisco, CA. (Jan. 21, 2010).

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

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