

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

DEC 07 2016

DEPARTMENT OF STATE

County City Town Village
(Select one.)

of Hastings-on-Hudson

Local Law No. 4 of the year 2016

A local law To Establish Benchmarking Requirements for Certain Municipal Buildings
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Hastings-on-Hudson as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 1: The Code of the Village of Hastings-on-Hudson is hereby amended by adding a new Chapter 190, entitled "MUNICIPAL BUILDING ENERGY BENCHMARKING," to read as follows:

§190-1. PURPOSE.

Buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use. As such, this Local Law will use Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Hastings-on-Hudson.

Collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide. Equipped with this information, the Village of Hastings-on-Hudson is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

§190-2. DEFINITIONS

A. "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

B. "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

C. "Administrator" shall mean the head of the Department.

D. "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village of Hastings-on-Hudson that is 1,000 square feet or larger in size.

E. "Department" shall mean the Building Department of the Village of Hastings-on-Hudson.

F. "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

G. "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

H. "Energy Use Intensity (EUI)" shall mean the kBtus (1,000 British Thermal Units) used per square foot of gross floor area.

I. "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

J. "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

K. "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

L. "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§190-3. APPLICABILITY

A. This Chapter is applicable to all Covered Municipal Buildings as defined in Section 190-2 above.

B. The Administrator may exempt a particular Covered Municipal Building from the benchmarking requirement if the Administrator determines that it has characteristics that make benchmarking impractical.

§190-4. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

A. No later than December 31, 2016, and no later than May 1 every year thereafter, the Administrator or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

B. For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Administrator or his or her designee from the Department shall begin inputting data in the following year.

§190-5. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

A. The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year, no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and

B. The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(1) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(2) For each Covered Municipal Building individually:

(a) The status of compliance with the requirements of this Local Law; and

(b) The building address, primary use type, and gross floor area; and

- (c) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
- (d) A comparison of the annual summary statistics (as required above) across calendar years for all years since annual reporting under this Chapter has been required for said building.

§190-6. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Local Law, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§190-7. ENFORCEMENT AND ADMINISTRATION

A. The Administrator or his or her designee from the Department shall be the Chief Enforcement Officer of this Chapter.

B. The Chief Enforcement Officer designated hereunder may promulgate regulations necessary for the administration of the requirements of this Chapter.

C. Within thirty days after each anniversary date of the effective date of this Chapter, the Chief Enforcement Officer shall submit a report to the Board of Trustees including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Administrator determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Chapter.

SECTION 2: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2016 of the ~~(County)(City)(Town)~~(Village) of Hastings-on-Hudson was duly passed by the Board of Trustees on November 15 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

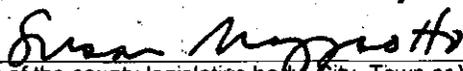
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Dec. 1, 2016

(Seal)