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## EXECUTIVE ORDER #8/09

**TO:** Distribution  
**FROM:** Robert D. LiMandri  
**DATE:** November 5, 2009  
**SUBJECT:** FORMATION AND APPOINTMENT OF MEMBERS TO THE BUILDINGS SUSTAINABILITY BOARD, PURSUANT TO ARTICLES 103 AND 113 OF SUBCHAPTER 1 OF TITLE 28 OF THE NEW YORK CITY ADMINISTRATIVE CODE

**Effective:** Immediately

### **Background:**

In recent years, energy-reducing and other sustainable technologies have been introduced to the New York City market more rapidly than either the Codes, the Department or in some cases national product standards and testing laboratories have been able to provide regulatory or technical guidance. Under Article 113 of Title 28, such technologies must be approved prior to use by the Commissioner. The Department has worked with experts and constituent advisors in the private sector and government to develop a number of leading regulatory measures, for microturbines and wind turbines to name two. However this process in each case has developed slowly and often under great local market pressure, and has always been reactive to present projects.

### **Specifics:**

The Department of Buildings encourages the use of more renewable power sources, energy- and water-conservation and sustainable technologies; the Department is also mandated to promote public safety through, among other things, regulating building construction, use and occupancy in this densely occupied and high-rise city. Therefore I hereby authorize and direct the First Deputy Commissioner to form a Buildings Sustainability Board. The mission of this Board shall be to provide technical expertise, advice and recommendations to the Commissioner regarding sustainable technologies appropriate for New York City but not clearly and fully addressed by the New York City Construction and Electrical Codes. Such advice shall include but not be limited to safety parameters and limitations, qualifications of associated personnel, procedural requirements and design and inspection criteria. Final determinations on all considerations shall be reserved to the Commissioner.

**Plan for Buildings Sustainability Board:**

Board members shall be selected by the Department for a term of one year from the first meeting and vetted by the Department of Investigation to assure the integrity of Board recommendations. The Board shall include between 10 and 14 experts in a range of technical disciplines from the public and private sector and four technical and operations redesign representatives from the Department. Board members shall not be compensated.

The Board shall be chaired by the First Deputy Commissioner, who shall appoint a co-chair as appropriate. The Board shall convene monthly or as needed to discuss and make recommendations to the Department regarding material distributed in advance by Department technical staff. Such material shall fully describe the issues at hand and may include:

- Specific project proposals;
- Manufacturer requests;
- Advance notification by Board members or others of technologies coming to market;
- Broader review of generic technologies;
- Other technical issues that may require discussion and recommendation.

The Board's agenda shall be prepared and meetings recorded by Department staff. Requests for agenda items by Board members shall be honored. Reports on meetings shall be distributed in general within one week to all Board members for comment and correction as required. Final records shall be distributed as such within three weeks of the meeting or as otherwise appropriate.

Board members may be requested to assist in drafting regulatory concepts or language, in describing submission and/or inspection requirements, in reporting from time to time to the Commissioner's Roundtable and in advising technical, legal, operations redesign and/or code development staff on technical and procedural issues.