

By Council Members Restler, Nurse, Joseph, Hudson, Ossé, Krishnan, Avilés, Cabán, Abreu, Hanif, Stevens, Williams, Hanks, Marte, Salaam, Won, Louis, Gutiérrez, Bottcher, De La Rosa, Narcisse, Brannan, Feliz, Ayala, Powers, Gennaro, Schulman, Salamanca, Brewer and Zhuang (by request of the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to cooling systems in tenant-occupied dwellings

Be it enacted by the Council as follows:

1 Section 1. The article heading of article 8 of subchapter 2 of chapter 2 of title 27 of the
2 administrative code of the city of New York is amended to read as follows:

ARTICLE 8

HEAT, COOLING, AND HOT WATER

5 § 2. Article 8 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city
6 of New York is amended by adding a new section 27-2030 to read as follows:

7 § 27-2030 Provision of cooling systems. a. Definitions. For purposes of this section, the
8 following terms have the following meanings:

9 Adequate cooling. The term “adequate cooling” means cooling sufficient to maintain an
10 indoor air temperature of no greater than 78 degrees Fahrenheit, measured at least 3 feet above the
11 floor and at least 3 feet away from any exterior wall, provided that the department may adjust such
12 requirement by rule if such indoor air temperature is not technologically feasible.

13 Approved cooling system. The term “approved cooling system” means (i) a non-central
14 cooling system with a cooling capacity of no less than 20 British thermal units per hour for each
15 square foot of floor area within such cooling system’s cooling area or an alternative cooling
16 capacity established by the department by rule consistent with the purposes of this section that has
17 been approved by the department of buildings, where such approval is required pursuant to the

1 New York city building code, provided that the cooling capacity in British thermal units or such
2 other cooling capacity is visible at the front of such cooling system, and provided further that,
3 where such cooling system is installed in a window, such cooling system is installed in compliance
4 with chapter 12 of title 24 of the rules of the city of New York; or (ii) a centrally-supplied cooling
5 system with a cooling capacity designated by the department of buildings by rule that complies
6 with section 1204.2.1 of the building code and is approved for installation by the department of
7 buildings in accordance with applicable requirements.

8 British thermal unit. The term "British thermal unit" means the amount of energy needed
9 to heat one pound of water by 1 degree Fahrenheit.

10 Centrally-supplied cooling system. The term "centrally-supplied cooling system" means a
11 cooling system that distributes cooled air to more than one dwelling unit from a central location.

12 City financial assistance. The term "city financial assistance" means any loans, grants, tax
13 exemptions, or tax abatements conveyed or provided by the city other than as-of-right assistance.

14 Cooling area. The term cooling area means:

15 1. For a centrally-supplied cooling system, all rooms provided with cooled air from such
16 centrally-supplied cooling system, including hallways, if applicable; and

17 2. For a non-central cooling system, any room where such cooling system or a component
18 thereof is installed.

19 Cooling season. The term "cooling season" means June 15 through September 15.

20 Cooling system. The term "cooling system" means a system or appliance capable of
21 cooling and regulating the air temperature of an indoor space.

1 Covered dwelling. The term “covered dwelling” means a multiple dwelling or a tenant-
2 occupied 1- or 2-family dwelling, other than a multiple dwelling utilized for emergency temporary
3 housing by or on behalf of the city.

4 Covered dwelling unit. The term “covered dwelling unit” means a tenant-occupied unit in
5 a covered dwelling.

6 Covered room. The term “covered room” means a room in a covered dwelling unit which
7 either is known by the owner of such dwelling unit to be used as the primary sleeping place of a
8 permanent occupant of such dwelling unit or is foreseeably used as the primary sleeping place of
9 a permanent occupant of such dwelling unit.

10 Non-central cooling system. The term “non-central cooling system” means a cooling
11 system other than a centrally-supplied cooling system.

12 Owner of a covered dwelling unit. The term "owner of a covered dwelling unit" means the
13 owner of the covered dwelling containing such unit, except that:

14 1. For a covered dwelling unit owned as a condominium, such term means the
15 condominium unit owner; and

16 2. For a covered dwelling unit in a dwelling held in a cooperative form of ownership, such
17 term means the shareholder of record named on the proprietary lease for such unit.

18 Owner-controlled centrally-supplied cooling system. The term “owner-controlled
19 centrally-supplied cooling system” means a centrally-supplied cooling system in a dwelling where
20 the owner of such dwelling (i) pays for the electricity costs of operating such system and (ii)
21 controls such system’s temperature setpoint.

22 Permanent non-central cooling system. The term “permanent non-central cooling system”
23 means a non-central cooling system that is a permanent fixture of a covered dwelling.

1 Rent regulated unit. The term “rent regulated unit” means a dwelling unit required by law
2 or by an agreement with a governmental entity to be regulated in accordance with the emergency
3 tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing
4 rent control act of 1962.

5 b. Provision of approved cooling systems capable of adequate cooling. 1. Beginning June
6 1, 2030, the owner of a covered dwelling unit shall during the cooling season keep such dwelling
7 unit equipped with 1 or more cooling systems capable of providing adequate cooling to each
8 covered room in such dwelling unit, provided that:

9 (a) The tenant of such dwelling unit has elected, in the manner set forth in subdivision c of
10 this section, to make such covered room subject to the requirements of this paragraph;

11 (b) Such election has taken effect pursuant to subdivision c of this section; and

12 (c) If such dwelling unit is a rent regulated unit, the tenant of such dwelling unit has
13 provided consent to any improvements that would be necessary for the owner to reasonably
14 provide adequate cooling and any associated charges in a manner that is consistent with applicable
15 state law and regulations.

16 2. Beginning June 1, 2030, the owner of a covered dwelling unit which has a centrally-
17 supplied cooling system or a permanent non-central cooling system shall maintain such equipment
18 such that it is capable of providing adequate cooling during the cooling season.

19 3. For purposes of determining compliance with paragraph 1 of this subdivision, there shall
20 be a rebuttable presumption that an approved cooling system is capable of providing adequate
21 cooling to any covered room within such system’s cooling area. The department shall adopt rules
22 consistent with the purposes of this section establishing when and how such a presumption may
23 be overcome.

1 4. The department shall adopt rules establishing minimum requirements for cooling
2 systems furnished pursuant to paragraph 1 of this subdivision. Such requirements shall be designed
3 to limit the cost to tenants of operating such units.

4 5. The department may adopt rules establishing installation and maintenance standards for
5 cooling systems furnished pursuant to paragraph 1 of this subdivision.

6 b-1. Cooling provided via owner-controlled cooling systems. During the cooling season of
7 each year beginning in the year 2030, in any covered dwelling in which cooling is provided via an
8 owner-controlled cooling system, the owner of such dwelling shall furnish cooling sufficient to
9 provide each covered room in such dwelling with adequate cooling.

10 c. Tenant opt-in procedures. 1. Beginning on March 1, 2028, a tenant of a covered dwelling
11 unit may elect to make a covered room in such dwelling unit subject to the requirements of
12 paragraph 1 of subdivision b of this section by making a request in a form and manner designated
13 by the department. Except as otherwise provided in this section, such requirements shall take effect
14 with respect to such covered room 60 days after such tenant makes such election, provided that, if
15 such dwelling unit is a rent regulated unit, such tenant has provided consent pursuant to
16 subparagraph c of paragraph 1 of subdivision b of this section.

17 2. No later than 10 days after receiving such election from a tenant of a covered dwelling
18 unit, the department shall (i) inform the owner of such dwelling unit of the covered rooms in such
19 unit that will be subject to the requirements of paragraph 1 of subdivision b of this section, and the
20 date on which such requirements shall take effect; and (ii) provide a confirmation notice to such
21 tenant that indicates that, where an owner installs a new cooling system in a rent regulated unit or
22 a building containing such a unit, such installation may result in an increase to such unit's regulated
23 rent, and that includes information regarding the circumstances under which a tenant may

1 complain of a lack of adequate cooling and the means by which a tenant may make such a
2 complaint.

3 d. Notice to tenants. 1. By January 1, 2028, the department shall make available on its
4 website, in English and each designated citywide language as such term is defined by section 23-
5 1101, a notice to inform tenants of covered dwelling units: (i) that, effective June 1, 2030, owners
6 of covered dwelling units are required to provide certain tenants with cooling systems capable of
7 providing adequate cooling to covered rooms; (ii) that a tenant must elect for this requirement to
8 apply to covered rooms in the covered dwelling unit in which such tenant resides; (iii) of the
9 process by which a tenant may make such an election; (iv) that, where an owner installs a new
10 cooling system in a rent regulated unit or a building containing such a unit, such installation may
11 result in an increase to such unit's regulated rent; and (v) of the circumstances under which a tenant
12 may complain of a lack of adequate cooling and the means by which a tenant may make such a
13 complaint.

14 2. By no earlier than March 1, 2028 and no later than September 1, 2029, the owner of a
15 covered dwelling shall (i) provide, to the tenants of each covered dwelling unit within such covered
16 dwelling, a copy of the notice published by the department pursuant to paragraph 1 of this
17 subdivision, and (ii) post such notice in a prominent place of such covered dwelling notifying
18 tenants of the requirements of this section in English and the designated citywide languages as
19 such term is defined by section 23-1101.

20 3. Beginning on March 1, 2028, any lease or renewal lease offered to a tenant or prospective
21 tenant of a covered dwelling unit shall:

22 (a) Specify the party responsible for paying the electricity costs of operating any cooling
23 system furnished pursuant to paragraph 1 of subdivision b of this section; and

(b) Include a copy of the notice published by the department pursuant to paragraph 1 of subdivision, conspicuously set forth therein, in English and each designated citywide language which term is defined by section 23-1101.

e. Inspection and Maintenance. Once annually, beginning on June 1, 2031, the owner of a covered dwelling unit subject to the requirements of paragraph 1 of subdivision b of this section shall inspect any cooling system provided pursuant to paragraph 1 of subdivision b of this section to ensure it is capable of providing adequate cooling. Such owner shall maintain records documenting the required inspection, in a form and manner approved by the department.

f. Extensions. 1. The department may grant the owner of a covered dwelling unit an extension of time to comply with the requirements of paragraph 1 of subdivision b of this section where such owner demonstrates that:

(a) Compliance with paragraph 1 of subdivision b of this section by the deadline provided in such paragraph would cause undue hardship, including but not limited to financial hardship, the need to make major capital improvements, the need to make significant electrical upgrades, or designation of such covered dwelling as a landmark, as a landmark site, as an interior landmark, or within a historic district pursuant to chapter 3 of title 25 of the administrative code of the city of New York;

(b) Such owner intends to install a centrally-supplied cooling system or a permanent non-central cooling system in order to comply with the requirements of paragraph 1 of subdivision b of this section and completing such installation by the deadline provided in such paragraph would be impracticable;

(c) Such an extension would provide such owner with additional time to negotiate or renegotiate the terms of city financial assistance provided by the department; or

1 (d) Such owner meets any other criteria for an extension established by the department by
2 rule based upon the practical, financial, or other needs of such owner and provides information
3 required to support such extension as established by the department by rule.

4 2. Such extensions shall be granted in increments of no more than 2 years, provided that
5 such extensions may be renewed where the department determines that a criterion set forth in
6 paragraph 1 of this subdivision or any rules promulgated thereunder continues to be met.

7 3. No less than 30 days after providing an extension to an owner of a covered dwelling unit
8 pursuant to this subdivision, the department shall provide notice of such extension to each tenant
9 of such covered dwelling unit who has made an election pursuant to subparagraph (a) of paragraph
10 1 of subdivision b of this section.

11 g. Post-enforcement reporting. No later than June 1, 2032, and annually thereafter, the
12 department shall submit to the speaker of the council and publish on its website a report containing
13 at least the following information, disaggregated by council district and neighborhood tabulation
14 area:

15 1. The number of dwelling units with a covered room subject to the requirements of
16 paragraph 1 of subdivision b of this section based on an election made by the tenant in the manner
17 set forth in subdivision c of this section;

18 2. Among such dwelling units, the average number of covered rooms per dwelling unit
19 subject to such requirements based on such an election; and

20 3. The number of complaints received by the department for violations of this section,
21 disaggregated by violation type and the manner in which such violation was resolved.

22 h. Outreach and education for occupants. Beginning no later than June 1, 2029, the
23 department, in collaboration with any other relevant agency, shall provide outreach to tenants

1 regarding the obligations of owners of covered dwelling units under this section. As part of such
2 outreach, the department shall inform tenants about: (i) the circumstances in which it is appropriate
3 to report to the department that the owner has failed to provide an adequate cooling system; (ii)
4 the ability for tenants to opt in to receive a cooling system; (iii) the efficient use of cooling systems;
5 (iv) energy saving tips; and (v) utility assistance programs. The department shall increase its
6 outreach efforts under this paragraph between March 1 and June 1 of each year.

7 i. Outreach and education for owners. The department, in collaboration with any other
8 relevant agency, shall establish and implement an outreach and education program to inform
9 owners of covered dwellings of their obligations under this section. Such program shall educate
10 such owners about at least the following topics related to compliance with this section:

11 1. Best practices around for ensuring the energy-efficiency of any cooling system installed
12 for purposes of complying with the requirements of paragraph 1 of subdivision b of this section;
13 2. Passive cooling and weatherization; and
14 3. Any government programs, including those involving financial resources and incentives,
15 which are available to such owners to assist in their compliance with the requirements of paragraph
16 1 of subdivision b of this section.

17 j. Violations. Notwithstanding any other provision of law, an owner of a covered dwelling
18 unit that violates subdivision b, b-1, d, or e of this section shall be liable for a class C immediately
19 hazardous violation. Notwithstanding any other provision of law to the contrary, the time within
20 which to correct such violation shall be 14 days after service of the notice of violation.

21 k. Fire escapes. Nothing in this section shall be construed as requiring an owner of a
22 covered dwelling unit to install a cooling system that would violate section 1027.7.3 of the fire
23 code.

1 1. New York city housing authority. Notwithstanding any other provision of this section,
2 for a covered dwelling owned or operated by the New York city housing authority, such housing
3 authority shall be considered compliant with the requirements of this section where: (i) such
4 housing authority prepares, by January 1, 2028, a comprehensive cooling plan, which outlines
5 actions such housing authority is taking to provide adequate cooling for at least one covered room
6 in each covered dwelling unit owned or operated by such housing authority; (ii) such
7 comprehensive cooling plan details the specific initiatives that such housing authority intends to
8 undertake by June 1, 2030, to provide adequate cooling to at least one covered room in at least 25
9 percent of covered dwelling units owned or operated by such housing authority; (iii) such housing
10 authority revises or updates such comprehensive cooling plan as needed to detail specific
11 initiatives that such housing authority is taking to increase the percentage of covered dwelling units
12 owned or operated by such housing authority that have adequate cooling in at least one covered
13 room and the approximate dates by which such covered dwelling units will have adequate cooling
14 in at least one covered room; (iv) such plan provides that any opt-in requests made under such plan
15 regarding dwelling units owned and operated by the New York city housing authority shall be
16 referred by 311 to such authority under the existing 311 referral process for complaints regarding
17 such properties; (v) such plan takes into consideration the needs of vulnerable populations living
18 in dwelling units owned and operated by the New York city housing authority, such as seniors and
19 people with chronic illness; and (vi) such housing authority consults with the mayor's office of
20 long-term planning and sustainability when preparing the initial version of such comprehensive
21 cooling plan..

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1 § 4. Section 1204.2 of the New York city building code, as added by local law number

2 163 for the year 2021, is amended and a new section 1204.2.1 is added to read as follows:

3 **1204.2 Air conditioning.** Interior spaces intended for human occupancy that are provided
4 with air conditioning shall be provided with active or passive systems that are capable of
5 maintaining 78°F (26°C) at 50-percent relative humidity when the outdoor air temperature is 89°F
6 (32°C) and the coincident wet bulb temperature is 73°F (23°C). Interior spaces without air
7 conditioning shall be provided with mechanical or natural ventilation in compliance with other
8 subsections of this code. Covered dwellings as defined in Section 27-2030 of the Administrative
9 Code must comply with Section 1204.2.1.

10 **1204.2.1 Air Conditioning in Covered Rooms.** A covered room, as defined in Section
11 27-2030 of the Administrative Code, shall be provided with active or passive systems that are
12 capable of maintaining a maximum space temperature in accordance with the requirements of
13 ASHRAE 55 and a maximum space relative humidity in accordance with the requirements of
14 ASHRAE 62.1. Interior spaces without air conditioning that are not intended for human
15 occupancy shall be provided with mechanical or natural ventilation in compliance with other
16 subsections of this code.

17 § 5. This local law takes effect immediately, except that section four of this local law takes

18 effect on June 1, 2030 and shall apply to applications for construction document approval filed on

19 and after such date.

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