

Executive Order No. 88 (2012)

Governor Andrew Cuomo signed Executive Order No. 88 on December 28, 2012, directing state agencies and authorities to improve the energy efficiency of state buildings. The order also revokes and supersedes Executive Order No. 111, originally signed in 2001. The order establishes a target of reducing average energy use intensity (EUI) in state-owned and managed buildings by 20% relative to a fiscal year 2010/2011 baseline by April 1, 2020. It also tasks the New York Power Authority (NYPA) with creating a Central Management and Implementation Team (CMIT) to administer the order, and directs the state Office of General Services (OGS) and the New York State Energy Research and Development Authority (NYSERDA) to provide technical assistance to the CMIT and affected state agencies.

Beyond the broader energy intensity reduction target, the order also makes a number of additional requirements of affected state entities, as follows:

- Annual energy benchmarking is required for any state-owned or managed building larger than 20,000 square feet.
- Buildings that receive low benchmark scores and campuses with above average EIUs or low benchmark scores must undergo an ASHRAE Level II energy audit or a comparable audit approved by the CMIT. In addition to energy efficiency measures, the audits must identify opportunities for cost-effective on-site renewable generation and combined heat and power.
- Affected entities must complete or make substantial progress towards completing cost-effective measures identified in an energy audit within two years. Improvements may include low or no cost operational improvements, retrocommissioning, capital energy efficiency improvements, on-site renewable generation, combined heat and power, and other measures identified by the CMIT.
- Sub-metering must be prioritized for buildings larger than 100,000 square feet. To enable individual benchmarking, all buildings of 100,000 square feet or larger on master metered campuses must be sub-metered for all fuels and energy sources by December 31, 2016 unless it is not feasible or cost-effective to do so.
- An energy efficiency analysis must be included in the design phase of all capital project plans and the most cost effective energy efficiency measures or technologies should be included in the project.
- Affected entities may receive credit towards the target for energy efficiency improvements in leased space, and for on-site renewable energy

generation if all cost-effective energy efficiency improvements have been made to the host site.

- For state-owned or managed buildings larger than 20,000 square feet, annual reports must be filed with the CMIT by October 1st of each calendar year.

The order provides that energy use associated with electric vehicle charging is exempt from being included in the energy efficiency targets and requirements. The CMIT is also permitted to provide other exemptions for good cause (e.g., building maintains an Energy Star or similar certification).