

# STATE OF NEW YORK

8570

2017-2018 Regular Sessions

## IN ASSEMBLY

July 10, 2017

Introduced by M. of A. KAVANAGH, BICHOTTE -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, the energy law, the executive law, the multiple dwelling law and the multiple residence law, in relation to energy conservation and water temperature management; and to amend the general municipal law, in relation to minimum water temperatures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "energy  
2 conservation and water temperature management act".

3 § 2. The public authorities law is amended by adding a new section  
4 1874 to read as follows:

5 § 1874. Energy conservation through water temperature management. 1.  
6 The authority shall cause a study to be performed on the savings gener-  
7 ated by better management of water temperature in public buildings and  
8 facilities, multiple dwellings, and tenant-occupied one-family and two-  
9 family dwellings throughout the state.

10 2. The authority shall submit a report of its findings to the gover-  
11 nor, the temporary president of the senate, and the speaker of the  
12 assembly by April thirtieth, two thousand eighteen. The report shall  
13 include:

14 (a) A proposal for standards and designs for energy efficient water  
15 temperature control devices for residences, multiple dwellings, and  
16 public buildings and facilities;

17 (b) An analysis of empirical data and statistics regarding the mone-  
18 tary costs and savings, the energy conservation, and the environmental  
19 benefit offered through better management of water temperatures; and

20 (c) Any proposed legislation or suggested changes to the current law  
21 that would assist public entities and private citizens to conserve ener-  
22 gy and save money through better management of water temperatures.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 § 3. The energy law is amended by adding a new article 19 to read as  
2 follows:

3 ARTICLE 19

4 ENERGY CONSERVATION AND WATER TEMPERATURE MANAGEMENT

5 Section 19-101. Energy conservation in public buildings and facilities.

6 § 19-101. Energy conservation in public buildings and facilities. 1.  
7 No bathtub, shower, washbasin or sink in any public building or facility  
8 shall emit water having a temperature in excess of one hundred twenty  
9 degrees Fahrenheit.

10 2. Notwithstanding any provision of law, rule or regulation to the  
11 contrary, any municipality or other public entity who, pursuant to this  
12 subdivision, installs a water temperature control device as defined in  
13 paragraph e of subdivision seventeen of section three hundred seventy-  
14 eight of the executive law shall not be:

15 (a) responsible to any person for injuries caused solely by the fail-  
16 ure of such device to operate properly if such failure results from the  
17 device being tampered with or rendered inoperable by any invitee or  
18 licensee in such building or facility; or

19 (b) responsible to any person or subject to penalty of law for failure  
20 to deliver hot water continuously or at any minimum temperature required  
21 by any law, rule or regulation solely by reason of the proper operation  
22 of the water temperature control device.

23 § 4. Section 378 of the executive law is amended by adding a new  
24 subdivision 17 to read as follows:

25 17. Water temperature management standards. a. No bathtub, shower,  
26 washbasin or sink in any dwelling unit in a multiple dwelling or  
27 tenant-occupied one-family or two-family dwelling shall emit water  
28 having a temperature in excess of one hundred twenty degrees Fahrenheit.

29 b. Any owner of a dwelling found to emit water that exceeds the stand-  
30 ard of this subdivision shall be in violation of this section and shall  
31 be liable for a fine.

32 (i) If the water temperature exceeds one hundred twenty degrees  
33 Fahrenheit but does not exceed one hundred thirty degrees Fahrenheit,  
34 the fine shall be two hundred fifty dollars for the first violation and  
35 five hundred dollars for the second and any subsequent violation.

36 (ii) If the water temperature exceeds one hundred thirty degrees  
37 Fahrenheit but does not exceed one hundred forty degrees Fahrenheit, the  
38 fine shall be five hundred dollars for the first violation and one thou-  
39 sand dollars for the second and any subsequent violation.

40 (iii) If the water temperature exceeds one hundred forty degrees  
41 Fahrenheit, the fine shall be one thousand dollars for the first  
42 violation and two thousand dollars for the second and any subsequent  
43 violation.

44 c. Notwithstanding any provision of law, rule or regulation to the  
45 contrary, any owner of a dwelling who, pursuant to this subdivision,  
46 installs a water temperature control device as defined in paragraph e of  
47 this subdivision shall not be:

48 (i) responsible to any person for injuries caused solely by the fail-  
49 ure of such device to operate properly if such failure results from the  
50 device being tampered with or rendered inoperable by any invitee or  
51 licensee in such building or facility; or

52 (ii) responsible to any person or subject to penalty of law for fail-  
53 ure to deliver hot water continuously or at any minimum temperature  
54 required by any law, rule or regulation solely by reason of the proper  
55 operation of the water temperature control device.

1 d. Installation of an anti-scald device, or any work necessary to the  
2 installation of such device to comply with this section, shall not qual-  
3 ify for a rent increase under any provision of law implemented to regu-  
4 late such rents.

5 e. For purposes of this section, a water temperature control device  
6 shall mean an anti-scald device or other device that prevents water  
7 emitted by a bathtub, shower, washbasin, or sink from exceeding a maxi-  
8 mum temperature set by the device, where such device meets the accepted  
9 national standard plumbing codes of the Building Officials and Code  
10 Administration, Inc. (BOCA), the International Association of Plumbing  
11 and Mechanical Officials (IAPMO), the Southern Building Code Congress  
12 International (SBCCI), or the National Standard Plumbing Code (NSPC).

13 § 5. The multiple dwelling law is amended by adding a new section 75-a  
14 to read as follows:

15 § 75-a. Water temperature management standards. 1. No bathtub, shower,  
16 washbasin or sink in any dwelling unit in a multiple dwelling or  
17 tenant-occupied one-family or two-family dwelling shall emit water  
18 having a temperature in excess of one hundred twenty degrees Fahrenheit.

19 2. Any owner of a dwelling found to emit water that exceeds the stand-  
20 ard in paragraph b of this subdivision shall be in violation of this  
21 section and shall be liable for a fine.

22 a. If the water temperature exceeds one hundred twenty degrees Fahren-  
23 heit but does not exceed one hundred thirty degrees Fahrenheit, the fine  
24 shall be two hundred fifty dollars for the first violation and five  
25 hundred dollars for the second and any subsequent violation.

26 b. If the water temperature exceeds one hundred thirty degrees Fahren-  
27 heit but does not exceed one hundred forty degrees Fahrenheit, the fine  
28 shall be five hundred dollars for the first violation and one thousand  
29 dollars for the second and any subsequent violation.

30 c. If the water temperature exceeds one hundred forty degrees Fahren-  
31 heit, the fine shall be one thousand dollars for the first violation and  
32 two thousand dollars for the second and any subsequent violation.

33 3. Notwithstanding any provision of law, rule or regulation to the  
34 contrary, any owner of a dwelling who, pursuant to this subdivision,  
35 installs a water temperature control device as defined in paragraph e of  
36 subdivision seventeen of section three hundred seventy-eight of the  
37 executive law shall not be:

38 a. responsible to any person for injuries caused solely by the failure  
39 of such device to operate properly if such failure results from the  
40 device being tampered with or rendered inoperable by any invitee or  
41 licensee in such building or facility; or

42 b. responsible to any person or subject to penalty of law for failure  
43 to deliver hot water continuously or at any minimum temperature required  
44 by any law, rule or regulation solely by reason of the proper operation  
45 of the water temperature control device.

46 4. Installation of a water temperature control device, or any work  
47 necessary to the installation of such device to comply with this  
48 section, shall not qualify for a rent increase under any provision of  
49 law implemented to regulate such rents.

50 § 6. The multiple residence law is amended by adding a new section 16  
51 to read as follows:

52 § 16. Water temperature management standards. 1. No bathtub, shower,  
53 washbasin or sink in any dwelling unit in a multiple dwelling or  
54 tenant-occupied one-family or two-family dwelling shall emit water  
55 having a temperature in excess of one hundred twenty degrees Fahrenheit.

1 2. Any owner of a dwelling found to emit water that exceeds the stand-  
2 ard in paragraph (b) of this subdivision shall be in violation of this  
3 section and shall be liable for a fine.

4 (a) If the water temperature exceeds one hundred twenty degrees  
5 Fahrenheit but does not exceed one hundred thirty degrees Fahrenheit,  
6 the fine shall be two hundred fifty dollars for the first violation and  
7 five hundred dollars for the second and any subsequent violation.

8 (b) If the water temperature exceeds one hundred thirty degrees  
9 Fahrenheit but does not exceed one hundred forty degrees Fahrenheit, the  
10 fine shall be five hundred dollars for the first violation and one thou-  
11 sand dollars for the second and any subsequent violation.

12 (c) If the water temperature exceeds one hundred forty degrees Fahren-  
13 heit, the fine shall be one thousand dollars for the first violation and  
14 two thousand dollars for the second and any subsequent violation.

15 3. Notwithstanding any provision of law, rule or regulation to the  
16 contrary, any owner of a dwelling who, pursuant to this subdivision,  
17 installs a water temperature control device as defined in paragraph e of  
18 subdivision seventeen of section three hundred seventy-eight of the  
19 executive law shall not be:

20 (a) responsible to any person for injuries caused solely by the fail-  
21 ure of such device to operate properly if such failure results from the  
22 device being tampered with or rendered inoperable by any invitee or  
23 licensee in such building or facility; or

24 (b) responsible to any person or subject to penalty of law for failure  
25 to deliver hot water continuously or at any minimum temperature required  
26 by any law, rule or regulation solely by reason of the proper operation  
27 of the water temperature control device.

28 4. Installation of a water temperature control device, or any work  
29 necessary to the installation of such device to comply with this  
30 section, shall not qualify for a rent increase under any provision of  
31 law implemented to regulate such rents.

32 § 7. The general municipal law is amended by adding a new section 137  
33 to read as follows:

34 § 137. Minimum temperature for tap water. If any municipal corporation  
35 enacts a local law, rule, ordinance, or regulation relating to the mini-  
36 mum temperature of tap water supplied to a public building or facility  
37 or a residence, the municipal corporation shall ensure that such minimum  
38 temperature is no higher than one hundred ten degrees Fahrenheit.

39 § 8. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law.