Benchmarking & Sustainability in NYC
Benchmarking Law

• Part of Greener, Greater Buildings Plan (GGBP)  
  www.nyc.gov/GGBP

• Signed by Mayor Bloomberg in December 2009

• Local Law 84 of 2009 - Benchmarking energy & water usage

• Local Law 85 of 2009 - NYC Energy Conservation Code

• Local Law 87 of 2009 - Energy audits & retro-commissioning

• Local Law 88 of 2009 - Lighting & electrical upgrades
• 75 – 80% of NYC carbon emissions come from buildings compared with 39% nationally

• The intention is to transform the building market in NYC for both lease and sale properties

• Measure, diagnose and develop informed capital plan
Benchmarking Law

• 2% of NYC’s buildings are > 50,000 square feet

• This population, approximately 24,000 buildings, account for:
  o Nearly one half of NYC’s total floor space
  o 45% of NYC’s carbon emissions

• These types of buildings are located all of NYC’s 5 boroughs
What is a Covered Building?

- According to the Department of Finance:
  - One building larger than 50,000 square feet
  - Two or more buildings on same tax lot larger than 100,000 square feet
  - Two or more buildings in condo ownership larger than 100,000 square feet
What Does the Law Require?

• Covered buildings must complete an annual assessment of energy and water use – “Benchmark” - by May 1 of every year beginning in 2011

• Benchmarking must account for all of a building’s energy use – electricity, natural gas, fuel oil & steam – for the previous calendar year (12 months)

• Owners are required to request separately metered energy use information from their non-residential tenants
Benchmarking Law

- Public disclosure of benchmarking results:
  - City buildings – September 2011
  - Non-residential buildings – September 2012
  - Residential buildings – September 2013
- Sample data displayed publically must include:
  - Energy use index (EUI) for residential buildings – energy use per square foot
  - Energy star rating for non-residential buildings
Bench marking

- The law requires that energy data be uploaded into the “benchmarking tool”
- EPA Portfolio Manager:
  - www.energystar.gov
  - Online and paper-free
  - Free of charge
  - Use your existing account
Using the Portfolio Manager Tool

• What if I don’t obtain all energy use data for my residential building?

• Option 1: Extrapolation Method
  
  o Enter as “actual” data
  
  o Only used when you have billing or meter data by energy type for a minimum of 10% of apartments in each apartment line of the building
  
  o Use formula in rule.

• Option 2: Default Value Method
  
  o Enter as “temporary” data
  
  o Use default values in table 1 of rule
Using the Portfolio Manager Tool

• What if I don’t obtain all energy use data for my non-residential building?

• Default Value Method:
  o Enter data into the Portfolio Manager Tool as “temporary” energy data
  o Use default values in table 2 of the rule
  o Default Value x Gross Floor Area x 12 months = Temporary Energy Data
  o The use of default values for non-residential tenant space will expire after the Benchmarking Report submission due on May 1, 2012
Using the Portfolio Manager Tool

- Special circumstances:
  - Water use – Buildings provided with automatic meter-reading equipment by DEP will have their water use data entered by DEP
  - New buildings – Owners of new buildings must benchmark beginning in the first full calendar year following the receipt of the first Temporary Certificate of Occupancy
  - Buildings with change in ownership – New building owners must benchmark beginning the first full calendar year following the change in ownership
Using the Portfolio Manager Tool

So, I’ve Entered All My Data into the Portfolio Manager tool, what next?

• Go to: www.nyc.gov/GGBP

• Scroll to the Submitting Benchmarking to the City section

• Follow the step-by-step instructions
Records Retention

After I have submitted all my data, what do I need to do?

• The law requires that you keep the following items for 3 years from the submission deadline date, May 1:
  
  o The confirmation email from EPA stating you submitted your Benchmarking Report
  
  o Proof of request made to non-residential tenants for their energy use information
  
  o Back-up information regarding energy-use inputs
  
  o Copy of energy input data entered into the Portfolio Manager tool
Failure to Benchmark

- The Law classifies failing to submit your Benchmarking Report as a lesser violation.
- Failure to submit your Benchmarking Report = a violation and $500 fine.
- For 2011, no violations will be issued prior to August 1. For 2012 and after, violations will be issued starting May 1.
- Continued failure to submit your Benchmarking Report will result in additional violations being issued every 3 months for which the report is not submitted.
- The maximum penalties that can be issued per year are $2,000.
Challenging a Violation

• You can challenge a violation issued for failing to submit your Benchmarking Report

• Challenges must be made in writing to the Department within 30 days of the postmark date on the violation

• Proof in support of challenge may include the following:
  
  o Proof from DOF that building is not required to Benchmark

  o Proof that your Benchmark Report was submitted on time – the EPA confirmation email

  o Proof of change in building ownership
Getting Help

• DOB Informational Sessions:
  o Partnership with Urban Green Council to provide public with overview of the Greener, Greater Buildings Plan and step by step instruction on the Benchmarking checklist

• Benchmarking Help Center:
  o Call 311 to connect with live assistance in setting up a Portfolio Manager account

• Additional Guidelines & Instructions:
  o Includes service notices and updates to website content to provide most up to date information
Resources

- The Benchmarking section on the Department’s website, www.nyc.gov/buildings

- Includes:
  - Link to the Greener, Greater Buildings Plan website
  - Frequently Asked Questions
  - Information on Live Educational Outreach sessions on Benchmarking & other Greener, Greater Buildings topics

- Email sustainability@buildings.nyc.gov
Resources

Greener, Greater Buildings Plan website:

• www.nyc.gov/GGBP

Where to get training:

Training related to Benchmarking (LL84)

- **Web Materials**: Below are links to materials from the Environmental Protection Agency (EPA) on their benchmarking tool Portfolio Manager
  - Benchmarking Starter Kit - Useful information for getting started
  - Portfolio Manager Overview - Learn about the tool and its features in more detail
  - Live and Self-guided Training - Live web conference schedule, animated presentations, pre-recorded trainings, and self-guided presentations

- **Live Training**: The Association for Energy Affordability is offering in-person training on the Portfolio Manager Tool. The training will also cover how to comply with New York City's benchmarking mandate. See flyer for more information
  - For class dates and to register visit AEA's website
Why should I Benchmark?

Because you can’t manage what you don’t measure.