

# Diagram of Criteria and Requirements for Local Law 86 of 2005

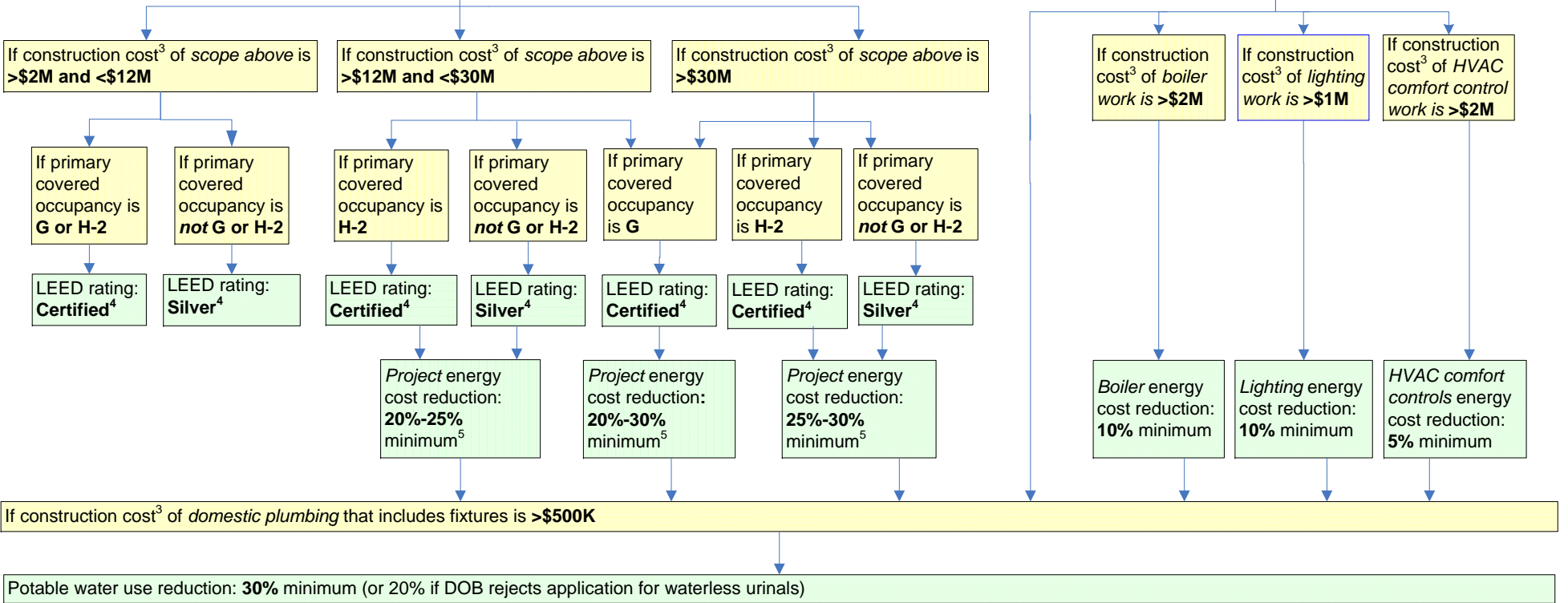
yellow = criteria  
green = requirements

**Project threshold criteria:**

- 1) Project<sup>1</sup> must receive city funding contribution approved by OMB of \$10M or more, including both expense and capital funds, *or*, if OMB approves <\$10M, such contribution must be 50% or more of the value of all capitably eligible work in the project, where “capitably eligible” is defined in accordance with the NYC Comptroller’s Directive 10, **and**
- 2) The first payment to a non-city entity for capitably eligible project work must be released from the City Treasury after January 1, 2007, **and**
- 3) All portions of the project that are paid for with City funds must receive design approval on or after January 1, 2007, where design approval is defined as the issuance by OMB of all Certificates to Proceed and CBX Certificates required to spend the city contribution.

**Project or project phase scope of work criteria (note that MOEC must approve phase definition in writing):**

- 1) If the project or project phase involves work on one or more new buildings, fit-outs of space in new buildings, additions, or substantial reconstructions<sup>2</sup> with a primary occupancy of B-1, B-2, C, E, F-1a, F-1b, F-3, F-4, G, H-1, or H-2 per the NYC 1968 building code, *i.e.* all occupancy groups except residential (R1, R-2, R-3), industrial (D-1 or D-2), and outdoor assembly structures and equipment (F-2), follow applicable criteria and requirements below:
- 2) If a project or project phase involves work in a building with a primary occupancy of B-1, B-2, C, E, F-1a, F-1b, F-3, F-4, G, H-1, or H-2 per the NYC 1968 building code **and** does not involve work described in item (1) to the left, follow applicable criteria and requirements below:



1. Project work includes capitably eligible work described in all OMB issued project CP's and CBX certificates, including all supporting documentation. While some portions of a project may not be paid with city funds, all capitably eligible work described in all CP(s), CBX certificates, and their supporting documentation shall be considered to determine applicable LL86 requirements. Inflation factors should be applied to the \$10M cost threshold in accordance with the Procedures under Green Building section of MOEC website.

2. To qualify as substantial reconstruction, work scope in an existing building must involve two of the following three mechanical systems,

HVAC, electric, and domestic plumbing, **and** must also involve general construction work (described in Divisions 2-14 of MasterFormat 2011) excluding minor alterations and ordinary repairs (defined in the NYC building code) that affects more than 50% of building floor area, where affected area is calculated as the combined area of spaces in which there is any change as a result of such general construction.

3. Construction cost is based on estimates of work as designed at the beginning of construction and includes all contractor mark-ups, all contingencies, as well as construction management fees. Inflation

factors should be applied to indicated construction costs in accordance with the Procedures under Green Building section of MOEC website.

4. Where construction of LL86 LEED projects are managed by a city agency, agency must apply to USGBC for certification of a sufficient number to account for at least 50% of the city funds agency spends each FY on all such projects

5. The project must reduce energy cost down to at least the lower percentage indicated here, regardless of the simple payback of the energy efficiency measures implemented. In addition, all feasible energy efficiency measures that have a simple payback of 7 years or less must be implemented until the energy cost reduction for the project reaches at least the upper percentage indicated.