

LIGHTING UPGRADES AND SUB-METERING IN TENANT SPACES

Local Law 88

Overview

Lighting in non-residential buildings accounts for almost 18% of energy use in New York City buildings, and roughly 18% of the city's carbon emissions from buildings. Dramatic improvements in lighting technology over the past two decades have made it feasible to significantly reduce energy consumption by installing more efficient lighting systems, and any investments made to install such systems will typically be realized through operational savings.

In addition, many buildings depend on a single meter to monitor electricity consumption and as such, bill non-residential tenants a standard rate regardless of the tenant's actual consumption. Individual tenants would likely reduce their energy consumption if energy use information were made available to them regularly.

This law requires large non-residential buildings to upgrade lighting to meet current New York City Energy Conservation Code standards, and to install electrical sub-meters for each large non-residential tenant space and provide monthly energy statements.

Applicability and Exemptions

| Building Type | Required to Audit and Retro-commission | Exemption |
|-----------------------|---|------------------|
| City Buildings | <ul style="list-style-type: none">▪ Buildings 50,000 gross square feet or more that are owned by the city or for which the city regularly pays all or part of the annual energy bills▪ Two or more buildings on the same tax lot that together exceed 100,000 gross square feet that are owned by the city or for which the city regularly pays all or part of the annual energy bills▪ Two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together | |

| | | |
|---|---|--|
| | exceed 100,000 gross square feet that are owned by the city or for which the city regularly pays all or part of the annual energy bills | |
| Commercial and Mixed-Use Buildings | <ul style="list-style-type: none"> ▪ Building 50,000 gross square feet or more ▪ Two or more buildings on the same tax lot that together exceed 100,000 gross square feet ▪ Two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet | <ul style="list-style-type: none"> ▪ Dwelling units in occupancy group R-2 or R-3 ▪ Space classified in occupancy group A-3 that is within a house of worship |
| Residential Buildings | <ul style="list-style-type: none"> ▪ Building 50,000 gross square feet or more, OR ▪ Two or more buildings on the same tax lot that together exceed 100,000 gross square feet, OR ▪ Two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet | <ul style="list-style-type: none"> ▪ Dwelling units in occupancy group R-2 or R-3 ▪ Residential property classified as class one in section 1802, subdivision one of the real property tax law, including: <ul style="list-style-type: none"> ○ 1, 2, and 3 family homes ○ Condos and Co-ops with no more than 3 dwelling units |

Buildings with lighting systems already in compliance with the NYC Energy Conservation Code as of July 1, 2010 are exempt from this law.

Requirements

Lighting Upgrades:

Covered buildings must install or modify all lighting systems to meet the New York City Energy Conservation Code once by January 1, 2025. The upgrade must meet current new systems standards for maximum interior lighting power allowances, lighting controls (interior lighting controls, light reduction controls and automatic lighting shutoff), tandem wiring, exit signs, and exterior lighting. These

requirements are found in section 805 of the New York City Energy Conservation Code and the standards referenced by the code, where applicable.

Buildings are not required to upgrade the lighting all at once; it can be done space by space, floor by floor, etc. However, the work must meet the requirements set forth in the New York City Energy Conservation Code that is in effect at the time of the upgrade. If the New York City Energy Conservation Code changes after lighting upgrades are completed, additional upgrades are not required.

Sub-meters:

Covered buildings must install one or more sub-meters for each:

- non-residential tenant space of 10,000 gross square feet or more on one or more floors let or sublet to the same person
- floor larger than 10,000 gross square feet consisting of tenant spaces let or sublet to two or more different persons

For these sub-metered tenant spaces, each tenant must be provided with a monthly statement showing the amount of electricity measured by the sub-meter and any amount charged to the tenant or subtenant for electricity. For cases where there are multiple tenants on a floor covered by one sub-meter, the monthly statement must include the electrical consumption for the area covered by the sub-meter and the percentage of that area that is leased by the tenant.

Timeline

Reports documenting installation of tenant sub-meters and completion of lighting upgrades must be filed by January 1, 2025 with the NYC Department of Buildings.

Compliance

Separate reports, one certifying the sub-meter installations and another certifying that the lighting upgrades are complete, must be prepared by a registered design professional (professional engineer, PE or registered architect, RA), a licensed master or special electrician and filed by the building owner to the NYC Department of buildings on or prior to January 1, 2025.