



# BUILDINGS 2021-019 BULLETIN TECHNICAL

ISSUANCE DATE  
October 5, 2021



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PURPOSE: This Bulletin clarifies the treatment of electricity load associated with electric vehicle supply equipment for compliance with the annual Greenhouse Gas Emission Reporting established in Local Law 97 of 2019 (LL 97/2019).

SUBJECT(S): Building Emissions, Electric Vehicles, Electric Vehicle Charging, Electric Vehicle Charging Equipment

## RELATED MATERIAL: Local Law 97 of 2019, AC 28-320, AC 28-320.3.7

### I. BACKGROUND

New York City has aggressive climate goals, including reaching net zero emissions by 2050 across the building, transportation, and waste sectors. Local Law 97 of 2019 (LL 97/2019), effective November 15, 2019, amends Title 28 of the New York City Administrative Code and Chapter 26 of the New York City Charter to require, subject to certain exceptions, that certain buildings achieve a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030 and an 80 percent reduction in citywide Greenhouse Gas (GHG) emissions by calendar year 2050. By May 1, 2025, and by May 1 of every year thereafter, applicable buildings must file an annual Building Emissions report.

### II. APPLICABILITY

This Bulletin clarifies the treatment of electricity load from electric vehicle supply equipment (EVSE) under Article 320 of Title 28 of the Administrative Code. Covered Buildings, as defined in Article 320, must report emissions associated with electric energy sent from the building to Plug-in Electric Vehicles (PEV) via EVSE, but this electricity can be deducted from the overall building energy use when determining building emissions for the purposes of reporting compliance with the annual emissions limit.

#### A. Definitions

1. *ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)* refers to the conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.
2. *PLUG-IN ELECTRIC VEHICLES (PEV)* refers to plug-in hybrid electric vehicles (PHEVs) and all-electric vehicles (EVs) that can plug in to an EVSE that is connected to a building's electrical system.

#### B. Treatment of Electric Vehicle Supply Equipment under Article 320

For the purposes of reporting building emissions in accordance with Section AC 28-320.3.7, an owner may exclude electricity attributable to unidirectional electric vehicle charging systems used exclusively for charging PEV. Systems that charge other types of storage devices (including but not limited to portable storage batteries and stationary batteries) are not eligible for this deduction.

Where an owner chooses to deduct electricity used for charging vehicles, an owner must be able to document hourly records and total annual electricity consumption for vehicle charging. Such documentation may be requested by the Department. Records should be retained for a minimum of three years. The EVSE installation must meet at least one of the following in order to deduct the electricity from the building's total annual consumption.

1. must be separately metered by the utility; or,
2. must be separately metered or submetered by the owner in a manner that produces auditable data aligned with the reporting year; or,
3. must be capable of and configured to produce data that records the electricity supplied to vehicles over the course of the reporting year by means of hardware and software integrated with the equipment.

The submetered energy use will be considered Transportation Energy Use, as per the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories, which can be deducted from the building energy consumption for determining compliance with the building's emissions limit.

There will be no change to the calculation methodology for building emissions intensity beyond the deduction of EVSE energy; gross floor area associated with parking facilities and any other areas where EVSE is installed in the covered building will be considered for the purposes of determining building emissions intensity, consistent with other reporting requirements established by the department for emissions reporting required to be filed starting May 1, 2025.