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SAFETY CONFERENCE

LL97 ADJUSTMENTS

Special Circumstances & NFP Healthcare Facilities

P R E S E N T E D B Y

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PRESENTATION OVERVIEW

- This presentation will cover the technical requirements of an application to the Department to qualify for a building emissions limit adjustment, as required in the Administrative Code. A brief background on Local Law 97 of 2019 will be provided. The presentation will focus on documentation of special circumstances that affect a building's annual greenhouse gas emissions, how to identify and calculate the excess emissions, and how to address those emissions in a GHG emissions reduction plan. The presentation will also cover details on filing for an adjustment for not-for-profit healthcare facilities.

LL97 ADJUSTMENTS PROGRAM: AGENDA

- 1. LL97/2019 – Overview of the Law**
2. LL97/2019 – Building Emissions Adjustments Program
 - Adjustments Program
 - Adjustments Application Process
 - Preparing for Compliance

LAW OVERVIEW

■ NYC Climate Mobilization Act

– LOCAL LAWS 92 AND 94

requiring that the roofs of certain buildings be covered in green roofs and/or solar PV systems

– LOCAL LAW 95

assigns a building energy efficiency grade

– LOCAL LAW 96

establishing a sustainable energy loan program (i.e. PACE)

– LOCAL LAW 97

the commitment to achieve reductions in greenhouse gas emissions in certain buildings by 2050

LAW OVERVIEW

- Building on Previous Local Laws
 - **LOCAL LAW 84**
Benchmarking Energy and Water Use
 - **LOCAL LAW 87**
Energy Audits and Retro-commissioning of Base Building
 - **LOCAL LAW 88**
Upgrading Lighting Systems and Installing Sub-meters

LAW OVERVIEW

■ Local Law 97 of 2019

- City wide 40% GHG reduction by 2030 and 80% by 2050
- Covered Building 40% GHG reduction by 2030
- City operations 40% GHG reduction by 2025 and 50% by 2030
- NYCHA goal of 40% by 2030 & 80% by 2050

LAW OVERVIEW

■ Local Law 97 of 2019

– 28-320.1 Definition

The term “covered building” means, as it appears in the records of Department of Finance

- i. A **building** that exceeds **25,000 GSF**, or
- ii. **Two or more** buildings on the same tax lot that together exceed **50,000 GSF**, or
- iii. **Two or more** buildings held in the **condominium** form of ownership that are governed by the same board of managers and that together exceed **50,000 GSF**

Exceptions

1. Industrial properties used for electricity and steam generation
2. Low-rise residential, with common systems serving not more than 25k GSF
3. City buildings
4. NYCHA
5. Rent regulated accommodation (>35%)
6. Religious house of worship (A-3)
7. Article 11 housing development fund properties
8. Federal housing projects

LAW OVERVIEW

■ Local Law 97 of 2019

- 28-320.2 Advisory Board
 - 28-320.2.1 Advisory Board Composition
 - 19 Members
 - Chairperson – DOB Director, Building Emissions Unit
 - City Speaker Representative
 - Mayor’s Office Representative
 - Plus 8 appointees each by the Mayor and Speaker
 - Charged with ...
 - Advice and recommendations for reducing GHG from buildings
 - Report by January 1, 2023

LAW OVERVIEW

■ Local Law 97 of 2019

- 28-320.2.1 Advisory Board Composition

8 Working Groups

- Hospitals
- Building Technology & Pathways - Multifamily
- Building Technology & Pathways - Commercial
- Carbon Accounting
- Energy Grid
- Economic Impact
- Communications
- Implementation



LAW OVERVIEW

■ Local Law 97 of 2019

- 28-320.3 Building Emission Limits
 - Annual Building Emission Limits
 - Values set 2024-29 and 2030-34
 - Need values 2035-39, 2040-49, 2050 & beyond
 - By January 1, 2023
 - Established by the Commissioner
 - Aggregate equivalence 0.0014 tCO₂e/GSF
 - The 2030-2034 target aligns with the City's 40x30 goal

LAW OVERVIEW

■ Local Law 97 of 2019

- 28-320.3 Building Emission Limits
 - Deductions
 - RECs, GHG Offsets, Clean DERs
 - Reporting
 - Certified by a registered design professional

LAW OVERVIEW

■ Local Law 97 of 2019

– 28-320.6 Penalties

- Exceed GHG limit
 - Civil penalty...up to \$268/mTCO₂e
- Failure to report
 - Civil penalty ...\$0.50/GSF/month
- False statements
 - Misdemeanor – fine up to \$500k, prison up to 30 days

LAW OVERVIEW

■ Local Law 97 of 2019

Article 321 Energy Conservation Measure Requirements for Certain Buildings

- Definitions [28-321.1]
- Required ECMs for Certain Buildings [28-321.2]
- Reports [28-321.3]

LAW OVERVIEW

■ Local Law 97 of 2019

– 28-321.1 Definition

The term “**covered building**” means, as it appears in the records of Department of Finance,

- i. Rent regulated accommodation (>35%),
- ii. Religious house of worship (A-3),
- iii. Article 11 housing development fund properties, or
- iv. Federal housing projects

AND such building

- i. exceeds **25,000 GSF**, or
- ii. is **one of two or more** buildings on the same tax lot that together exceed **50,000 GSF**, or
- iii. is **one of two or more** buildings held in the **condominium** form of ownership that are governed by the same board of managers and that together exceed **50,000 GSF**

LAW OVERVIEW

■ Local Law 97 of 2019

- 28-321.2.2 Prescriptive Energy Conservation Measures
 - Adjusting temperature set points for heat and hot water;
 - Repairing all heating system leaks;
 - Maintaining heating systems;
 - Installing individual temperature controls or insulated radiator enclosures with temperature controls on all radiators;
 - Insulating all pipes for heating and/or hot water;
 - Insulating steam system condensate tank or water tank;

LAW OVERVIEW

■ Local Law 97 of 2019

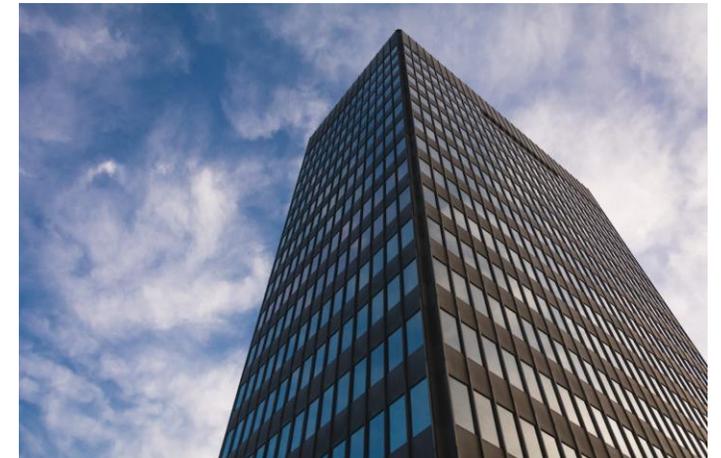
- 28-321.2.2 Prescriptive Energy Conservation Measures (*continued*)
 - Installing indoor and outdoor heating system sensors and boiler controls;
 - Replacing or repairing all steam traps
 - Installing or upgrading steam system master venting;
 - Upgrading lighting;
 - Weatherizing and air sealing;
 - Installing timers on exhaust fans; and
 - Installing radiant barriers behind all radiators.

LL97 ADJUSTMENTS PROGRAM: AGENDA

1. LL97/2019 – Overview of the Law
- 2. LL97/2019 – Building Emissions Adjustments Program**
 - **Adjustments Program**
 - Adjustments Application Process
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LL97 ADJUSTMENTS PROGRAM OVERVIEW

- **Local Law 97 of 2019** governs greenhouse gas emissions from buildings.
- The city has committed to a 40% reduction in emissions from covered buildings by 2030 compared to emissions in 2005.
- Owners can request an **adjustment** to the emissions limit from the Department of Buildings.
- Adjustments must be requested in DOB NOW by a **registered design professional**.
- Adjustments must be submitted to DOB by:
 - **June 30, 2021 for Excess Emissions**
 - **July 21, 2021 for Not-for-profit Healthcare**



ADJUSTMENT PROGRAM

■ Available Adjustments

- **28-320.7 Adjustment to Applicable Annual Building Emissions Limit**
Applications – requirements for the application are still in development
- **28-320.8 Adjustment to Applicable Annual Building Emissions Limit for Calendar Years 2024 - 2029**
Application due by **June 30, 2021** by an RDP
- **28-320.9 Adjustment to Applicable Annual Building Emissions Limit for Not-for-Profit Hospitals and Healthcare Facilities**
Application due by **July 21, 2021** by an RDP

ADJUSTMENT PROGRAM

■ Purpose of Adjustment

Considering the universe of covered buildings and the **economic and social impact** of the law, adjustments are available for **qualifying buildings**.

- Adjustment is **Not an Exemption**
 - Adjustment **temporarily** raises the building emissions **limit**.
 - Adjusted limits based on CY **2018 energy** with a set **reduction**.
- Assistance for Efficient Buildings with **Special Circumstances**
 - Recognizes real challenges for certain buildings
 - Mechanism to assist qualifying buildings to reach compliance



ADJUSTMENT PROGRAM

- **28-320.8 Adjustment to Applicable Annual Building Emissions Limit for CY 2024 - 2029**
 - 2018 Emissions are considered excessive
More than **40% above 2024 emissions limit**
 - **Special Circumstance**
ALL excess emissions attributable to a **Special Circumstance**
 - **2014 ECC Equivalent**
Energy performance equivalent to **2014 NYCECC compliant building**
 - **Plan to Reduce GHG to Meet 2030 Emissions Limit**
Schedule of alterations and operations and management changes

“... special circumstances related to the use of the building, including but not limited to

- 24 hour operations,
- operations critical to human health and safety,
- high density occupancy,
- energy intensive communications technologies or operations, and
- energy-intensive industrial processes ...”

ADJUSTMENT PROGRAM

- **28-320.8 Adjustment to Applicable Annual Building Emissions Limit for CY 2024 - 2029**
 - **Certificate of Occupancy Remains Unchanged**
CO unchanged after December 31, 2018
 - **Adjusted Limit**
70% of CY 2018 emissions ... 30% reduction avoid or reduce penalties
 - **Extension possible**
An extension may be requested for CY2030 - 2035

ADJUSTMENT PROGRAM

- **28-320.9 Adjustment to Applicable Annual Building Emissions Limit for Not-for-Profit Hospitals and Healthcare Facilities**
 - Building Classified on November 15, 2019 as
 - Not-for-profit hospital,
 - Not-for-profit health center, or
 - Not-for-profit HIP center
 - Adjusted Limit
 - 2024-2029: 85% of CY 2018 emissions
 - 2030-2034: 70% of CY 2018 emissions

ADJUSTMENT PROGRAM

- **28-320.9 Adjustment to Applicable Annual Building Emissions Limit for Not-for-Profit Hospitals and Healthcare Facilities- Qualification**
 - Not-for-profit status
 - Documentation of the owner's tax exempt status with DOF as reflected in the Notice of Property Value
 - Documentation of the tenant's 501(c)(3) status, as reflected in an IRS Determination Letter, and an affidavit that outlines the lease agreement terms
 - **For Healthcare owners and healthcare facilities ONLY-** other not-for-profit organizations do not qualify for this adjustment

LL97 ADJUSTMENTS PROGRAM: AGENDA

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ADJUSTMENT APPLICATION PROCESS

■ DOB NOW

- Begin by logging into DOB NOW at www.nyc.gov/dobnow. Enter your eFiling account email address and password.
- If you need to create an eFiling account, go to www.nyc.gov/efilingtips for instructions.

– Application Window

- 28-320.8: **Due Jun 30, 2021**
- 28-320.9: **Due Jul 21, 2021**

The screenshot displays the DOB NOW website interface. At the top, it says "DOB NOW Submit Filings, Payments, and Requests to the NYC Department of Buildings". Below this, there are several service categories represented by icons and text:

- ESSENTIAL CONSTRUCTION** (NYS EO 202.6): Submit the following transactions:
 - Submit Weekly Safety Inspection Reports as outlined in [Buildings Bulletin 2020-008](#)
- B I S OPTIONS**: Submit the following transactions for items found in BIS:
 - [Certificate of Correction](#) Review Requests
 - Civil Penalty Review Requests (L2)
 - License Renewal Applications
 - Boiler (BL, FB, FS) Sign Off Request
- DOB NOW BUILD**: Submit in DOB NOW Jobs for:
 - New Building
 - Alteration-CO
 - Alteration
 - Limited Alteration
 - Place of Assembly
 - Cranes
 - BIS Schedule of Occupancy
 - Certificate of Occupancy
- DOB NOW SAFETY**: Currently cannot be submitted in DOB NOW:
 - Builders Pavement Plan
 - Full Demolition
 - Green Roof
 - Solar
 - Subdivision
 - Letter of No Objection
 - AB-1: Affordable Housing/Fee Deferred/No Work
 - NB: Affordable Housing/Fee Deferred
- DOB NOW LICENSING**: Submit License filing for:
 - Welder
 - Journeyman
 - Gas Work Qualification Only

At the bottom, there is a search bar labeled "Search the Public Portal for Filings and Permits Submitted in" and a login section labeled "Log In to DOB NOW to Submit Jobs, Filings and Applications:". The login section includes fields for "Email" and "Password" and a "Login" button. A red dashed box highlights the login section.

ADJUSTMENT APPLICATION PROCESS

■ DOB NOW

- Required Application Inputs ... Depends on the building and the special circumstance.

Will or may include:

- Building Areas by Occupancy Group
 - CY 2018 energy use by energy source (e.g., LL84 data)
 - 2014 NYCECC Equivalency
 - GHG Reduction Strategies/Plan
 - Energy Use Breakdowns
 - NFP Status
- Required Documents
 - EN97A Workbook/Supporting Documentation/Reports based on application

ADJUSTMENT APPLICATION PROCESS

- **2014 NYCECC Equivalency**
 - Required prior to 2024
 - Buildings can still apply even if they need to make additional alterations to improve the building's performance
 - May require an NYCECC Equivalency Plan
 - Will be monitored for progress leading up to 2024
 - May require energy modeling depending on the complexity of the building's systems
- **GHG Reduction Plan**
 - Must include details on the Energy Conservation Measures (ECMs) or operational changes that will be implemented to reduce GHG emissions
 - Plan must be supported by a summary of the future energy end uses showing that the building will comply with LL97 emission limits by 2030

ADJUSTMENT APPLICATION PROCESS

- **LL97 Adjustment Application Filing Guide**
 - Intended to Assist Applicant Information to complete the application
 - Step-by-Step
 - Information necessary to complete each DOB NOW section
 - References
 - Guidelines to prepare and submit documents
 - Guidelines to determine information
 - Additional Resources
 - GHG Building Emissions website
<https://www1.nyc.gov/site/buildings/business/greenhouse-gas-emission-reporting.page>

LL97 ADJUSTMENTS PROGRAM: AGENDA

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 - **Preparing for Compliance**

PREPARING FOR COMPLIANCE

- **Determine Applicability and Compliance Path**
 - Review the Covered Building definitions
 - Article 320
 - Article 321
 - Other Sections: NYCHA / City Buildings

 - Article 320
 - 320.3.1 RDP Calculate Emissions & Limits (2024-29 limits)

 - Article 321
 - 321.2.1 RDP Calculate Emissions & Limit per 28-320.3.2 (2030-34 limits)
 - 321.2.2 Retro Cx Agent Review List of Prescriptive ECMs

PREPARING FOR COMPLIANCE

■ Think Ahead

– Energy Audit

- Analysis of energy use of building to determine GHG emissions
- Determine building emissions limit

– Plan for Future Compliance

- Estimated 75-80% of properties comply with 2024-2029 limits
- Estimated 25-30% of properties comply with 2030-2034 limits

– Reduce Greenhouse Gas Emissions

- Improve energy efficiency, including Operations and Maintenance
- Reduce carbon intensity
- Renewable Energy Credits (RECs)
- GHG Offsets
- Clean Distributed Energy Resources (CDER)
- Carbon Trading

PREPARING FOR COMPLIANCE

■ Prepare for Filing

- Work with a Registered Design Professional
 - Applications must be certified by an RDP
 - Building Area breakdown by Occupancy Group
- Conduct an Energy Audit if you haven't already
 - Analysis of energy use of building to determine GHG emissions
 - Determine building emissions limit
 - Energy modeling to support GHG reductions and ECC Equivalency
 - Analysis validated against 2018 actual energy use
 - Develop a list of energy and emissions reduction strategies

PREPARING FOR COMPLIANCE

■ Prepare for Filing

– Assess Eligibility for Adjustment

28-320.8 Excessive Emissions

- Is the 2018 emissions >40% over 2024 limit?
- Is there a Special Circumstance present in the building?
- Are ALL excess emission due to a Special Circumstance?
- Are GHG emissions equivalent to a 2014 ECC compliant building? **Will it be?**
- Has CO been amended since December 31, 2018? Will it be?

PREPARING FOR COMPLIANCE

■ Prepare for Filing

– Assess Eligibility for Adjustment (*continued*)

28-320.9 Not-for-Profit Hospital or Healthcare facility

- Was the building classified as not-for-profit hospital, health care center, or HIP center on November 15, 2019?
- Has it been since and will it be in the future?
- Documentation of NFP status available?

PREPARING FOR COMPLIANCE

■ Prepare for Filing

- 2018 Energy Use Data (e.g., LL84 data)
 - Used to establish actual building emissions
 - Complex metering can be clearly determined for the building
 - Energy use breakdown by end use
 - Bills/records available as supporting documents
- References
 - LL97 Adjustment Application Filing Guide and EN97A Workbook and Instructions
 - GHG Building Emissions website
<https://www1.nyc.gov/site/buildings/business/greenhouse-gas-emission-reporting.page>
 - NYC Sustainability Enforcement Unit GHGemissions@buildings.nyc.gov

LL97 ADJUSTMENTS OVERVIEW

NYC
Buildings

April 9, 2021

SERVICE NOTICE

Local Law 97/2019: Building Emissions Adjustments Applications

Beginning April 12, 2021, the Department of Buildings will accept applications for adjustments to a building's annual emissions limits for calendar years 2024-2029 and for not-for-profit hospitals and healthcare facilities. Applications for adjustments must be submitted in **DOB NOW: Safety**.

Excessive Emissions Due to a Special Circumstance
Applications for adjustments to annual building emissions limits for calendar years 2024-2029 for buildings with excess emissions of at least 40% more than the building's 2024 limit and due to a special circumstance, pursuant to New York City Administrative Code Section 28-320.8, must be submitted no later than June 30, 2021. The filing fee for these applications is \$2,450.

Not-for-Profit Hospitals and Healthcare Facilities
Applications for adjustments to annual building emissions limits for not-for-profit hospitals and healthcare facilities, pursuant to Administrative Code Section 28-320.9, must be submitted no later than July 21, 2021. The filing fee for these applications is \$335.

Access to DOB NOW: Safety
To log into DOB NOW, all users need an active eFiling account specific to their license/registration type, if applicable. To create an eFiling account, visit the **DOB NOW Registration Page** at www.nyc.gov/dobnowtips for assistance.

DOB NOW Training
The Department is conducting free training sessions to explain the process for submitting an adjustment request in DOB NOW: Safety. Visit the **DOB NOW Training Page** at www.nyc.gov/dobnowtraining to register for training and to access step-by-step guides, user manuals, and videos.

DOB NOW Inquiries and Support
To submit an inquiry about DOB NOW, visit the **DOB NOW Help Form** at www.nyc.gov/dobnowhelp.

Additional Guidance on Local Law 97

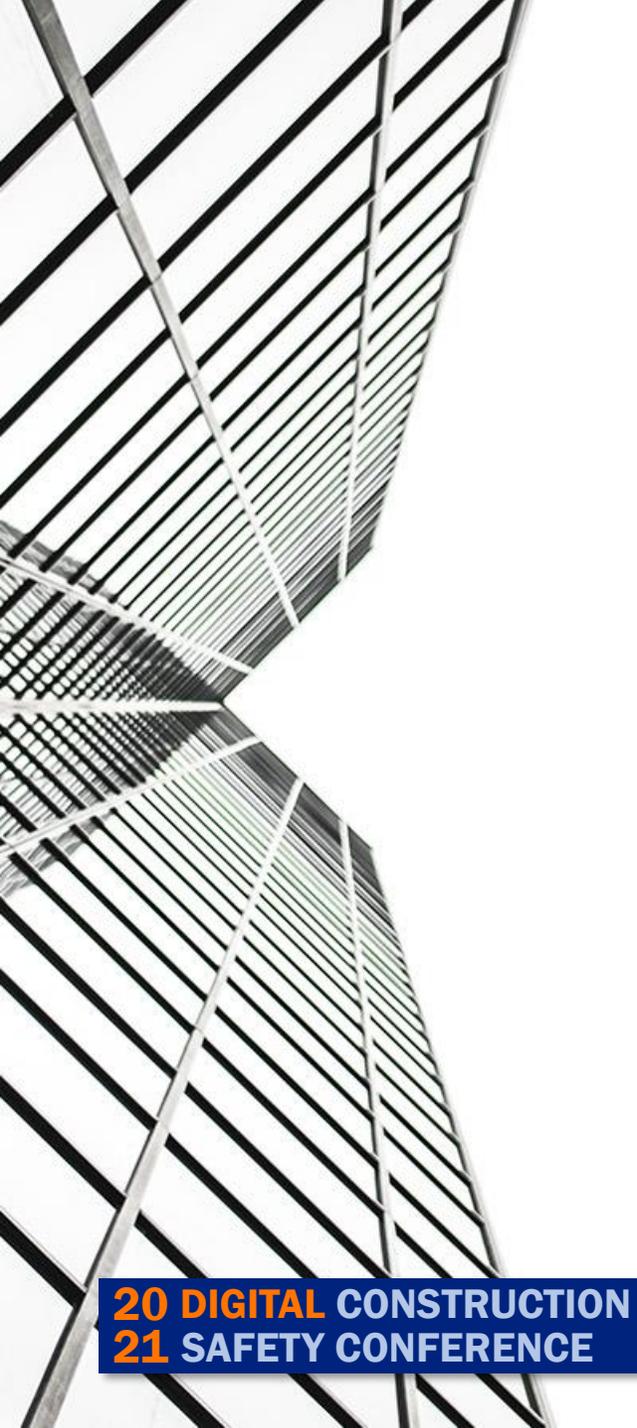
- Owners of covered buildings are encouraged to visit the Department's **Greenhouse Gas Emission Reporting** page for further details.
- For general information regarding building emissions adjustment requirements, including how to submit your application, review the content available at <https://www1.nyc.gov/site/sustainablebuildings/requirements/adjustments.page>
- Assistance with a building emissions application is available via the Building Emissions Unit by submitting an inquiry at www.nyc.gov/dobhelp and selecting the Sustainability module.

Melanie E. La Rocca, Commissioner
build safe | live safe

GHGEmissions@buildings.nyc.gov
nyc.gov/buildings

Additional Resources available on DOB web site at www.nyc.gov/buildings

- ✓ Greenhouse Gas Emission Reporting
- ✓ Chapter 3 of the Administrative Code
- ✓ Service Notice for Building Emissions Adjustment Applications



THANK YOU

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