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PRESENTATION OVERVIEW

This presentation will cover the requirements of Local Law 97 of 2019, from the Climate Mobilization Act, which limits greenhouse gas emissions from certain buildings. Material will include a review of the types of covered buildings that are subject to the law, what requirements owners must meet and when, and how various credits and deductions are considered under the law. The presentation will include updates on the legislation, review of new resources published by the Department, and a review of information that will be issued in the coming year.
TAKEAWAYS

1. Viewers will be able to describe the types of buildings that are subject to greenhouse gas emission limits in New York City and what criteria affect the limits.

2. Viewers will be able to explain to an owner what criteria will affect the greenhouse gas emission performance of their building, what the primary timeline is for the law, and how to avoid future fines.

3. Viewers will learn about the resources that are available to building owners to assist with their path to compliance.

4. Viewers will review recent resources prepared by the Department and other City agencies to clarify various sections of the NYC Building Code, including details that were undefined in the law.
NYC CLIMATE MOBILIZATION ACT
2019 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 (amended Local Law 33 of 2018)**
  assigns a building energy efficiency grade

- **Local Law 96**
  establishing a sustainable energy loan program (ie. PACE)

- **Local Law 97**
  the commitment to achieve certain reductions in greenhouse gas emissions by 2050
NYC EMISSIONS: 51.7 MtCO$_2$E

By 2030, the Climate Mobilization Act will achieve:

- 6 million tons of CO$_2$e reduced
- 26,700+ jobs created
- 150 hospitalizations avoided per year
- 50 to 130 deaths prevented per year
NEW YORK STATE CLCPA
The Most Aggressive Clean Energy and Climate Agenda in the Country
2019 CLIMATE LEADERSHIP & COMMUNITY PROTECTION ACT

- **Updates the Carbon Goal for NYS**
  requiring that the state eliminate 85% of its GHG emissions by 2050 and offset the remaining 15% (Carbon-neutrality)

- **Equity and Social Justice**
  35% of funding must go to disadvantaged communities

- **Interim Targets**
  70% of electricity to come from renewables by 2030, with 100% carbon free electricity by 2040

- **All-in**
  aspires to be truly economy-wide
CLCPA UPDATE

- **Climate Action Council**
  - 22 member committee of State-agency appointees
  - Includes a Climate Justice Working Group
  - Visit [https://climate.ny.gov/](https://climate.ny.gov/)
LOCAL LAW 97
GHG Limits for Covered Buildings
LOCAL LAW 97

- GHG emissions limits for buildings >25,000 square feet (see the definition of Covered Building in Section 28-320.1)
- Convened an advisory group for open issues, Section 28-320.2
- City operations GHG reductions of 40% by 2025 and 50% by 2030, Section 2 of LL97, which amends Title 24 of the City’s Administrative Code, Environmental Protection and Utilities
- NYCHA is subject to the same limits as other covered buildings, in Section 4 of LL97
LOCAL LAW 97

- By May 1, 2025, building owners must report emissions from CY 2024, see **Section 28-320.3** for the emission limits.
- Emissions are reported annually for each calendar year.
- The emissions target is more stringent beginning in CY 2030, these align buildings with the City’s 40X30 goal.
- For 2035 and beyond, targets will be set by DOB rulemaking based on recommendations from the Advisory Board.
- Law requires a Study for a building carbon trading scheme, see **Section 28-320.11**.
- Prescriptive energy conservation measures for rent regulated housing are found in **Section 28-321.2.2**.
LOCAL LAW 97

GHG Intensity in 2016 (tCO₂e/sf)
LOCAL LAW 97

GHG Intensity in 2016 (tCO₂e/sf)

- 2024 GHG Target
- 2030 GHG Target
- 2050 GHG Target
LOCAL LAW 97

The commitment to achieve certain reductions in greenhouse gas emissions by 2050

<table>
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<tr>
<th>GHG coefficients</th>
<th>2024-2029 (tons CO₂e/kBtu)</th>
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<td>Energy Source</td>
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<tr>
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</tr>
<tr>
<td>Other, including distributed energy resources</td>
<td>TBD</td>
</tr>
</tbody>
</table>
LOCAL LAW 97 TIMELINE

2019
- Advisory Board Established
- CMA

2024
- Energy Use Starts to Count

2025
- 320.8 and 320.9 Adjustments Programs
- First Reports Due

2030
- Phase II Compliance Period
- NY Electric Grid 70% Clean

2035
- Phase III Compliance Period
- NY Electric Grid 70% Clean

2040
- Phase IV Compliance Period
- NY Electric Grid 100% Clean

2050
- ≤35% Rent Regulated Bldgs Start
- Income Restricted Bldgs Start

320.8 and 320.9 Adjustments Programs

NYC Buildings
COMPLYING WITH LL97

- Each property has a GHG budget based on the occupancy classifications of the spaces within the property.

- A registered architect or engineer will need to calculate the building’s GHG budget and report annual GHG emissions total for the property. See Section 28-320.3.7.
COMPLYING WITH LL97

Property Limit Deductions

- **Renewable Energy Certificates, Section 320.3.6.1**
  - Credited *only* for energy that is deliverable into Zone J
  - Other requirements to come in rulemaking soon

- **Greenhouse Gas Offsets, Section 320.3.6.2**
  - Limited to 10% of the annual emissions limit
  - Under development

- **Distributed Energy Resources, Section 320.3.6.3**
  - Under development
COMPLYING WITH LL97

Property Limit Deductions

- **Electric Vehicle Charging, Building Bulletin 2021-019**
  - Electricity used to charge EVs can be deducted from the building’s annual energy consumption
COMPLYING WITH LL97

Property Limit Adjustments

- **Special Circumstances, Section 320.8** - Variance to adjust a building’s 2024 GHG target based upon excessive emissions attributable to high-intensity uses and not the building condition.

- **Not-for-Profit Healthcare, Section 320.9** - Alternate GHG target set for hospitals and healthcare facilities with excessive emissions.
COMPLYING WITH LL97

Property Limit Adjustments

- **Constrained properties, Section 320.7** - legal or physical constraints that limit the owner’s ability to comply

- **Financial Hardship, Section 320.7** - Cost will restrict the owner’s ability to operate the building or the property is subject to financial hardship
COMPLYING WITH LL97

Penalties

- GHG emissions that exceed the building’s GHG budget are subject to a penalty at $268 per metric ton of CO$_2$e. See Section 28-320.6.1.

- Section 28-320.6.2 establishes a penalty of $0.50 per square foot for failure to file

- Section 28-320.6.3 establishes a penalty for false statements - $500,000 or up to 30 days imprisonment, or both
LL97 OPEN ISSUES

Implementation coming from DOB, the Advisory Board and Working Groups
LL97 ADVISORY BOARD

Appointees

- Architects
- Engineer
- Building Owner
- Business Sector Representative
- Public Utility
- Environmental Justice Representatives
- Environmental Advocacy Organization Representative
- Stationary Engineer
- Construction Trades Representatives
- Green Energy Representative
- Residential Tenant Representative
- Non-profit Representative
- Speaker and Mayor Designees
- Chair
LL97 ADVISORY BOARD

Eight Working Groups

- Commercial Building Technology & Pathways
- Multi-family Building Technology & Pathways
- Carbon Accounting
- Energy Grid
- Communications
- Hospitals
- Economic Impact
- Implementation
LL97 ADVISORY BOARD

Topics of the Work

- Tenant-controlled energy
- Adjustments to the metrics
- Alternative Compliance Paths
- Energy Coefficients for 2030 – 2034, Time of Use
- Renewable Energy Credits
- Future GHG limits for 2030 – 2034 and beyond
- Potential changes to LL87 of 2009
- Achieving reductions from hospital buildings
- Incentives for peak-demand and electrification
- Carbon Trading
OPEN ISSUES BEING ADDRESSED BY THE DEPARTMENT

- Reporting requirements beyond Energy Star Portfolio Manager using DOBNOW
- Reporting requirements for Campus properties
  - Multiple buildings on a lot
  - Buildings that share systems
- Reporting requirements for Article 321
- Deductions
  - REC's
  - GHG Offsets
OPEN ISSUES BEING ADDRESSED BY THE DEPARTMENT

- **Mapping of LL97 Building Limits to the Energy Star Portfolio Manager Property Types**, see Section 28-320.3.1
  - Law has 10 established limits, for 2024 – 2029, with 18 building types referencing the Building Code
  - New mapping will assign approximately 60 ESPM Property Types to those 10 limits for 2024 – 2029
  - DOB will also map ESPM property types to limits for 2030 – 2034, but the law allows new limits to be established for that compliance period
Required by Section 320.3.11, the study was released on November 15, 2021

- Examines the potential for GHG reductions and affordability of LL97 with and without a carbon trading study
- Examines impact on environmental justice communities (EJCs)
- Study suggests that carbon trading can advance the City’s goals
- Coming soon to DOB’s Sustainable Buildings Website
LL 97 RESOURCES
AMENDMENTS TO LL97

- **Local Law 147 of 2019** - various updates (clean-up bill)

- **Local Law 95 of 2020** - added that the energy coefficient for Natural Gas powered Fuel Cells should be credited compared to grid marginal emissions, until January 1, 2023
AMENDMENTS TO LL97

- **Local Law 116 of 2020** - Changed the definition of rent regulated accommodation, Section 28-320.1-
  - “a building in which more than 35% of dwelling units are required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962…”
  - Means that properties that have 35% or less of their dwelling units in rent regulation are now subject to Article 320.
AMENDMENTS TO LL97

- **Local Law 117 of 2020** - Changed the reporting requirements
  - Owners of properties that move from non-compliance to compliance must report on what changes were made that helped the property to comply
  - Added additional annual reporting requirements for DOB
AMENDMENTS TO LL97

- Local Law 97 has changed and may change again!
  - Owners and service providers need to stay informed of the changes
  - Refer to the Administrative Code rather than copies of the law when planning for compliance:
DOB WEBSITES

- **General LL97 Information on the main DOB website**

- **DOB Sustainable Buildings Micro-site**
  - [https://www1.nyc.gov/site/sustainablebuildings/index.page](https://www1.nyc.gov/site/sustainablebuildings/index.page)
DOB LL97 SUSTAINABILITY COMPLIANCE MAP

Sustainability Compliance Maps

LL97 | GHG Emission  LL33 | Energy Grades

About Local Law 97

To amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050. Learn more.

COVERED BUILDING:
1. a building that exceeds 25,000 gross square feet, or
2. two or more buildings on the same tax lot that together exceed 60,000 gross square feet, or
3. two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 60,000 gross square feet.

EXCEPTIONS:
1. An industrial facility primarily used for the generation of electric power or steam.
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dweller or owner, and which are 50% or more located in the building.
BENCHMARKING MAP
LL97 AFFORDABLE HOUSING GUIDANCE

- DOB, HPD, and MOCS developed and released plain language guidance for affordable housing in 2021
  - Buildings with more than 35% units in rent regulation, Housing Development Fund Cooperatives (HDFC), and HUD project-based assistance must follow Article 321 with reporting due in 2025
  - Owners have the option of meeting Article 320 limits for 2030 - 2034
LL97 AFFORDABLE HOUSING GUIDANCE

- DOB, HPD, and MOC&S developed and released plain language guidance for affordable housing in 2021
  - Buildings with up to 35% rent regulated units follow Article 320 but start reporting in 2027 (see Section 28-320.3.10.1)
    - These properties will be subject to the same requirements as other covered buildings in 2030
  - Income-restricted housing, including Mitchell-Lama, begins reporting in 2036 (see Section 28-320.3.9)
    - Does not include Inclusionary-Housing Programs required by zoning
  - [https://www1.nyc.gov/site/sustainablebuildings/requirements/affordable-housing.page](https://www1.nyc.gov/site/sustainablebuildings/requirements/affordable-housing.page)
ARTICLE 321 PRESCRIPTIVE 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
- Insulating all pipes for heating and/or hot water
- Insulating steam system condensate tank or water tank
- 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
- Installing radiant barriers behind all radiators.
ARTICLE 321 PRESCRIPTIVE MEASURES

- Reporting requirements will be addressed by future rulemaking
  - DOB will be considering the overlap between LL97 requirements and the requirements of LL87 of 2009
- HPD will be working on programs to assist owners with the prescriptive measures
- While LL97 requires one-time reporting in 2025, all buildings that are regulated under Article 321 will need to do more to help the City reach its carbon reduction goals
LL97 ASSISTANCE AND FUNDING
WHAT IS NYC ACCELERATOR?

- A City program to help control costs, meet local law compliance, boost building performance, increase energy savings, and reduce carbon emissions across NYC buildings
  - Provides free technical guidance to help the market transform how our buildings operate and are built
  - Identifies building upgrade projects to help meet emissions limits established under the Climate Mobilization Act
  - Provides no-cost building operator trainings and supports green workforce development
  - Connects building decisionmakers directly with service providers to implement decarbonization projects
WHAT IS NYC ACCELERATOR?

- **Who is eligible?**
  - Any privately owned NYC building ≥ 5,000 ft² (new or existing)
  - Smaller buildings referred to partner organizations

- **How does it work?**
  - Call us and get connected with a dedicated account manager
  - Receive objective advice customized to your needs

- **How much does it cost and what’s the catch?**
  - No catch, no cost, no sign-up or commitment
WHAT SERVICES DOES NYC ACCELERATOR PROVIDE?

- Identify applicable financial incentives and financing programs, such as NYC PACE
- Provide technical assistance for building upgrades
- Offer expert advice to determine requirements and help meet local energy laws
- Find service providers for energy/carbon reduction projects
- Deliver no-cost online trainings for building operators and stakeholders
Potential Site Energy Use Reductions for Your Building
850 WEST 553 STREET
NYC ACCELERATOR

Contact NYC Accelerator

Web: www.nyc.gov/accelerator
Email: info@accelerator.nyc
Phone: (212) 656-9202
FUNDING & INCENTIVES

New York State Energy Research and Development Authority (NYSERDA)

- Commercial Buildings Programs
  https://www.nyserda.ny.gov/ny/PutEnergyToWork

- Multifamily Buildings Programs
  https://www.nyserda.ny.gov/PlanAhead
FUNDING & INCENTIVES

Utilities Programs

- ConEd Incentives
  - conEd.com/LargeCommercial
  - conEd.com/Multifamily

- National Grid Incentives
  - https://www.nationalgridus.com/energy-saving-programs
LOCAL LAW 96 OF 2019

PACE Financing

Financing for energy efficiency and renewable energy projects with long terms and little or no money down
LOCAL LAW 96 OF 2019

- Loans are made using private funds through pre-qualified capital providers
- Loans are repaid as a charge on the property tax bill of the building
- Debt service is sized to the savings from the efficiency/clean energy project
- Debt remains on the property and is transferrable upon sale of the property
- [https://www1.nyc.gov/site/nycaccelerator/resources/pace.page](https://www1.nyc.gov/site/nycaccelerator/resources/pace.page)
ADDITIONAL INFORMATION

For further questions and information, please send queries to GHGEmissions@Buildings.nyc.gov.