

Alternative Standards

NYC Charter Chapter 9: Capital Projects and Budget
Section 224.1: Green Building Standards

The Capital Green Building Program within the Mayor's Office of Environmental Coordination (MOEC) has the **authority to establish alternative standards** to those established in Local Laws 31 and 32 of 2016.

As codified within NYC Charter Section 224.1, on behalf of the Mayor, MOEC can establish alternative standards for projects or building types that are **no less stringent** than the established LEED and energy intensity use standards as prescribed by the defined criteria.

Establishing an alternative design or energy use intensity alternative standards sets a precedent that requires additional oversight and reporting. Potential alternative standards will only be considered and potentially granted under the **most special of circumstances**.

Alternative standards can be established for either certifiable design standards or standards regarding energy use intensity. Charter Section 224.1 provides specific guidance and parameters for each.

LEED® Rating: buildings classified in occupancy groups E (Education) and I2 (Medical), and those included in the LEED rating requirement in Local Law 32 that were not previously under Local Law 86 of 2005 may propose an alternative design and construction standards that are equivalent or more stringent than the level of LEED rating that specified building was required to achieve.

Low Energy Intensity: for all buildings classified in occupancy groups for which Local Law 31 is applicable may propose an alternative if compliance any of the specified three potential pathways toward energy use intensity compliance detailed in Charter Section 224.1 is found to be impracticable or duly burdensome.

Potential proposals for an alternative standard should be submitted prior to completion of design or bid of any project and submitted as soon as it is determined as a necessary route toward an alternative compliance.

Proposing an Alternative Standard

If an agency or entity seeks to propose an alternative standard, either related to design or regarding energy use intensity, they should provide the following:

(1) Scoping Discussion: the requesting agency must first meet with OEC to determine applicability and feasibility. Based on this initial scoping and assessment of need by MOEC, the proposal process can move ahead as outlined.

(2A) Alternative Standard Proposal Form: this form and any addendum materials must be completed and submitted to MOEC for review of the project information and to affirm the prescribed standards, the justification for the alternative standard, and a brief demonstration that such standards are no less stringent than those they intend to be the alternative for. If less stringent standards are to be proposed, the justification must demonstrate why compliance is impracticable or unduly burdensome.

(2B) Addendum: at minimum, in addition to the above form and the required information there within, the proposal must include addendum information regarding the proposed alternative standard. At minimum, a memo with a detailed description of the standard, relevant examples of precedent use, and a comparative analysis to the standard for which it is to serve as an alternative to must be provided. Additional materials may include source materials, associated certification processes, use case studies, among others.

(3) Proposal Clarification: includes meeting(s) with MOEC to ascertain any additional information, clarify aspects of the justification, and demonstrate documented evidence of stated levels or equivalence or greater stringency to the provisional standards codified in the charter, or the highest level or stringency achievable, of alternative standard proposed. Addition documents may be requested.

(4) Approval and Establishment of Standard: pending approval, the requesting entity will be required to submit a letter to MOEC on the entity's letterhead, detailing the project information and justification, and a brief description of the alternative standard and its associated comparative stringency, signed off by an entity principal. Upon establishment of the standard,, MOEC will request information regarding performance on annual basis for reporting purposes, as require by law.