

Exemptions

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 grant exemptions** to projects from provisions established in Local Laws 31 and 32 of 2016.

As codified within NYC Charter Section 224.1, on behalf of the Mayor, MOEC can grant exemptions if it determined by the office that any such exemption of prescribed standards **is in the public interest**. The number of exemptions that can be granted each year is limited by law and will only be considered and potentially granted under special circumstances.

If an agency or entity determines to apply for an exemption, they will need to submit required materials for MOEC review, including the following:

(1) Exemption Application Form: this form must be completed and submitted to MOEC for review of the project information to affirm the prescribed standards for which the exemption is being requested, as well as a justification for why the standards cannot be met.

(A) Application Clarification and Discussion: if needed, MOEC will request a meeting to ascertain additional information, clarify aspects of the justification, or to discuss the application and alternative strategies.

(2) Exemption Application Letter: after the information in the exemption application form is affirmed, the requesting entity will be required to submit a letter to MOEC on the entity's letterhead, detailing the project information and justification, signed off by an entity principal. See template for reference.

Upon receipt of the above and pending approval by MOEC, the Director of MOEC will issue a signed letter of the specified **exemption for the record**. Subsequent information may be requested regarding the project and its related outcomes for reporting purposes.

Potential exemption applications must be submitted prior to the construction phase of any project and submitted as soon as possibly determined as a necessary route during design or prior to bid.

Template Exemption Application Letter

Application letter must be on city agency or similar entity letterhead.

- Addressed to the Director of the Mayor's Office of Environmental Coordination.
 - Include a description of the project including name, site address, budget at time of request, and other characteristics that serve as criteria for the specified standard requirements.
 - State clearly the provisions and subsequent standard requirements that are applicable to the project and for which an exemption is being sought.
 - Explain in adequate detail the reasons why it is not in the public's interest to achieve the prescribed standard that serves as the justification for seeking an exemption. If applicable, include any standards that will be met in lieu of being exempt as requested.
 - Include a signature of a principal of the requesting agency or similar entity, or related proxy.
- (CC) Copy as needed other stakeholders or relevant parties that should also be included on any notice of approval. Within correspondence submitting the letter, include contact emails of individuals listed.

Prospective Steps and Approximate Timeline

