

FREQUENTLY ASKED QUESTIONS

PRESENTATION: Updates to NYC Sustainable Buildings Laws – Energy Grading, Energy Audits & Retro-Cx Building Emissions

Energy Grading Law

Q1. What is the minimum rating that is required for buildings?

A1. Buildings are rated from A-D. A grade of 'F' is for non-submittal of benchmarking information, and 'N' is for those buildings that are not rated.

Q2. Does the receipt of a 'D' or an 'F' grade result in a financial or regulatory penalty?

A2. A grade of 'F' results from non-submittal of benchmarking data, and as such carries a \$500 penalty. There is no penalty for a building that receives a 'D' grade.

Q3. Are buildings required to post an 'F' grade? What is the penalty for failure to post?

A3. Buildings that receive a grade of 'F' are required to post that grade. The penalty for failure to post is an additional \$1250.

Q4. Is the Energy Grading Law only applicable to buildings greater than 25,000 gsf?

A4. In general, this is so, but DOB encourages you to consult the full definition of a covered building in the law, which can be found on our webpage.

Q5. Are buildings required to post in multiple locations or does the main entrance suffice?

A5. The posting must be in a conspicuous location near **each** public entrance to such building.

Q6. Is the grade only for commercial buildings or does it apply to residential building as well? For example, 1&2 family?

A6. Building energy grades are assigned to covered buildings. The full definition of a covered building can be found in the definition section of the law, which you can find on our webpage. In most instances 1- and 2-family homes do not meet the criteria.

Q7. Is the DOB NOW search option for energy grades available?

A7. The DOB NOW search option is available. The grades are posted on October 1st of each year.

Building Energy Emissions Law

Q1. Are buildings with onsite parking spaces (such as luxury condominiums) subject to additional energy consumption calculations? Are the emissions of onsite automobiles added to the energy consumption /GHG calcs for a given building?

A1. The energy consumption for the garage structure will be included (for example, the garage lighting, ventilation energy, or other equipment serving the garage). However, the Advisory Board will be considering how energy consumption for electric vehicles will be addressed. Electric vehicle charging may be addressed differently.

Q2. Does the Advisory Board include any Licensed Professional Engineers?

A2. The Advisory Board for Local Law 97 does include licensed engineers and architects, along with other licensed design professionals within the Working Groups.

Q3. Do areas of a building outside its thermal envelope count towards the square footage of the building?

A3. If the exterior has features that consume energy, that energy will be included in the calculation if they are regulated by the Energy Code. These details will be addressed by Rules.

Q4. Is there any status update on the emissions factors for CHP?

A4. The Advisory Board Working Groups will be addressing those emission factors. Please look for updates on our Rulemaking.

Q5. Is there any guidance on how building owners should work with energy-intensive tenants to mitigate any fines assessed (which may ultimately be passed on to the tenant)?

A5. This is being considered by our Advisory Board. The Department does not regulate tenants.

Q6. How is the LL97 emissions limit related to the LL95 grade? Are there scenarios where a good grade could allow emissions limit flexibility? Or vice versa?

A6. The limits are not related to the grades but are more strongly related to the occupancy types in the building. Good grades will most likely correlate with low emissions.

Q7. How does the law apply to an owner who provides a 100-year ground lease to a developer? Who is responsible to comply the owner or the developer?

A7. These details are currently under review. There is precedence for this with LL87, where the lessee is responsible. Please continue to look for updates on our website.

Q8. Can multi-story building owners pass their non-compliance fine/penalty onto their tenants and what can the tenants do if that happens?

A8. The law does not regulate how owners might change their lease agreements with tenants. If the building is a rent-regulated building with less than 35% rent-regulated units, State law offers some protections for those tenants.

Q9. Do rent-regulated buildings need to apply for the adjustment? Or do they already have an adjustment factor applied to them?

A9. There is a new bill introduced that may move some rent-regulated units to fall under article 320.

Definitions

Q1. Are historic buildings (those listed on state or national registers) covered buildings?

A1. Historic buildings are subject to many of the sustainability local laws. They may be eligible for an adjustment to their GHG limits, pending recommendations from the Advisory Board and Department rulemaking.

Q2. Does the definition of a covered building refer to the square foot of the building or the lot?

A2. The square footage referred to in the definition is gross square footage of the building, not the lot.

Q3. Are cooperative apartment buildings included in the definition of a 'covered building'?

A3. Co-ops are under the definition of a **covered building**, as are condominiums. The law treats them equally, but PACE financing does not. The City is working towards a remedy for this issue.

Q4. Will the laws separate city-owned buildings and city-leased buildings? Or will they be lumped into one group or class of buildings?

A4. If the City leases a building and regularly pays ALL the energy bills for the building, it falls under the definition of City Building.

Q5. What about if the city agency only occupies a portion of the building or only certain floors but not all floors? For example, if a building has 10 floors and the city only leased and occupied 3 floors, will the building be classified as a CITY building or as a private building?

A5. The law doesn't indicate that portions of the building will be designated as a "City Building." Under the current definition of City Building, that would not be a City Building. The definition implies that the City must pay ALL of the energy bills.