

# Local Law 97 & Affordable Housing

**Buildings that include affordable and rent-regulated housing are not exempt from the requirements of Local Law 97** but may be treated differently under the two articles that make up the law as outlined in Title 28 of the NYC Administrative Code:

- Article 320 establishes Building Energy and Emissions Limits for buildings starting in 2024 and outlines the implementation of such limits
  - Article 321 establishes Energy Conservation Requirements for Certain Buildings that are not covered under Article 320
1. **Buildings on land owned by the New York City Housing Authority (NYCHA):** NYCHA shall make efforts to reduce greenhouse gas emissions, on a portfolio-wide basis, by 40 percent by 2030 and by 80 percent by 2050, relative to the emissions for 2005, per NYC Administrative Code § 24-803(b)(3).
    - a. NYCHA developments in the federal Rental Assistance Demonstration (RAD) program, including those that participate in the Permanent Affordability Commitment Together (PACT) programs are also required to comply with NYC Administrative Code Title 28, Article 321 (“Article 321” hereafter). See guidance under item #2 below.
  2. **Certain buildings, per Article 321** must demonstrate that, for calendar year 2024, either their emissions are below the applicable 2030 limits under Article 320 OR that applicable Prescriptive Energy Conservation Measures have been fully implemented by December 31, 2024. This applies to:
    - a. Buildings in which more than 35 percent of units are rent regulated, regardless of whether they contain units with income restrictions;
    - b. Housing Development Fund Cooperatives (HDFC cooperatives); and
    - c. Buildings that have HUD project-based assistance (e.g. Section 8, 202, 811, CoC, etc.), including buildings on NYCHA land that participate in the PACT/RAD program.
  3. **Buildings with at least one rent-regulated unit and where up to 35 percent of units are rent regulated**, may delay compliance with Article 320 emissions limits until 2026, and then must meet subsequent limits starting in 2030.
  4. **Certain income-restricted housing** is exempted from Article 320 emissions limits until 2035, and then must meet subsequent limits. This is applicable to:
    - a. Covered Buildings that are owned by a limited-profit housing company organized under Article 2 of the private housing finance law (Mitchell-Lama rentals and cooperatives), and
    - b. Covered Buildings that contain one or more units that are income restricted through certain loan, grant, real property tax exemption/abatement (e.g., 420-c, Article XI, or UDAAP exemptions) or property disposition programs. *Note that units with an income restriction imposed solely through the Zoning Resolution (e.g., Inclusionary Housing programs) do not count as “income restricted” for the purposes of this section.*

*The Department of Buildings (DOB) will issue guidance on what constitutes proof of a building's rent regulation and income restriction status.*

## FAQ's:

- Projects with at least one rent-regulated unit but where no more than 35 percent of units are rent regulated are subject to the 2026 deadline. However, are their future targets delayed?
  - No. After 2026, they will need to meet subsequent deadlines on the same timeline set for all other Covered Buildings.
- What if a project has both income restriction and rent regulation?
  - If the building has income restriction and has 35 percent or more units with rent regulation, it is subject to Article 321.
  - If the building has income restriction and at least one rent-regulated unit and up to 35 percent of rent-regulated units, it may delay compliance until 2035
- If a building has tenant-based rental assistance (vouchers), is it subject to compliance under Article 321?
  - Tenant-based vouchers are not “attached” to a particular building, and do not qualify the building for an exception to Article 320.
- What if my project has Low Income Housing Tax Credits?
  - LL97 does not specifically address buildings that have been awarded Low Income Housing Tax Credits. Projects should refer to the guidance above to determine if the project is subject to exceptions or extensions.
- What if my project has Inclusionary Housing (IH) or Mandatory Inclusionary Housing (MIH)?
  - LL97 does not specifically address buildings that include units subject to Inclusionary Housing. Inclusionary Housing *on its own* does not qualify a building to meet the Article 320 limits starting in 2035, under §28-320.3.9. Projects should refer to the guidance above to determine if the project is subject to an exception or extension.
- For properties subject to Article 321, what requirements will they need to comply with in future years?
  - Under the current law, additional reporting is not required beyond May 1, 2025, but for New York City to meet its ambitious carbon goals, all buildings will need to deeply decarbonize.
- Can buildings subject to Article 321 apply for exemption from the Prescriptive Energy Conservation Measures?
  - No. However, buildings have the option of meeting 2030 carbon emissions limits (320.3.2) in 2024 instead of pursuing the Prescriptive Energy Conservation Measures.
- How will carbon trading apply to affordable housing?
  - For now, carbon trading is still being studied by the City.
- What if the square footage or occupancy class in DOB records is outdated or inaccurate?
  - Please refer to the Department of Buildings webpage for [energy benchmarking](#).