

LL97: Affordable Housing Compliance

Frequently Asked Questions

Local Law 97 of 2019 (LL97) places limits on carbon emissions for New York’s large buildings starting in 2024. The law generally covers buildings that exceed 25,000 gross square feet, two or more buildings on the same tax lot that together exceed 50,000 square feet, and two or more buildings owned by a condo association that are governed by the same board of managers and that together exceed 50,000 square feet.

Of all covered buildings, those that include affordable or rent-regulated housing may

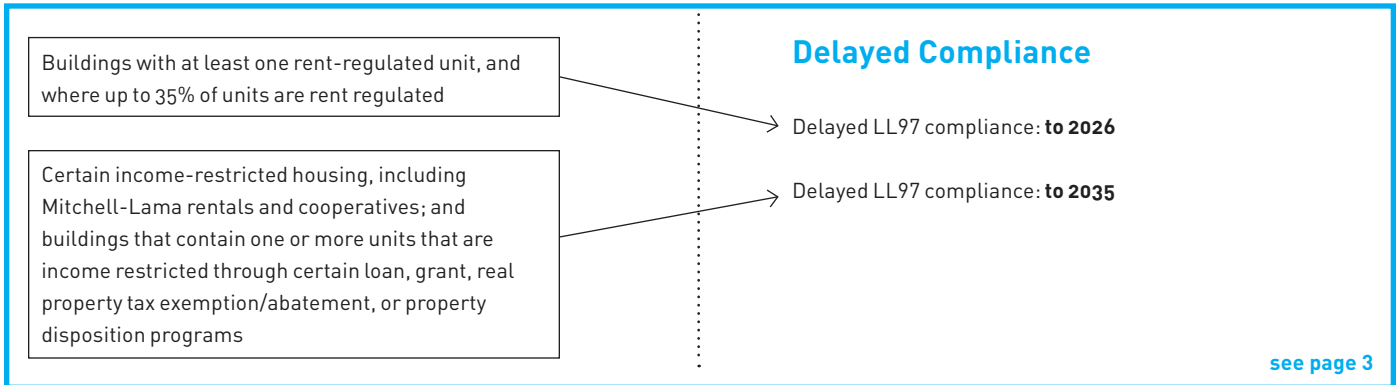
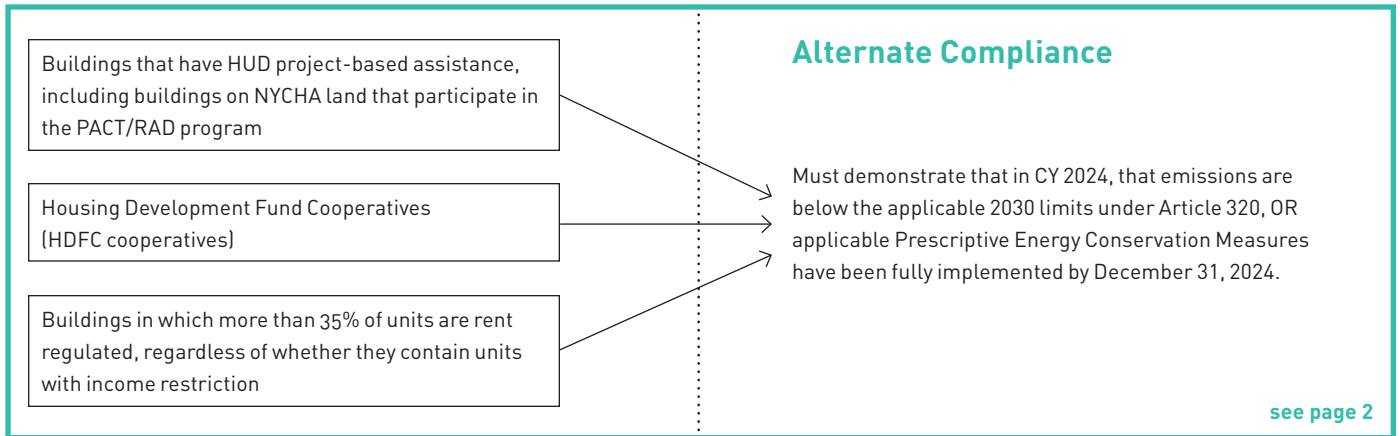
qualify for alternate or delayed compliance with LL97.

Alternate compliance, detailed in NYC Administrative Code Title 28, Article 321, requires certain buildings to meet a different set of requirements than most buildings covered by LL97.

Delayed compliance is afforded to certain buildings per NYC Administrative Code Title 28, Article 320, whereby compliance with Local Law 97 can be delayed to a year beyond 2024.

Covered Affordable Housing

LL97 Compliance Requirements



Frequently Asked Questions

Alternate Compliance for Certain Affordable Housing Projects

Q: What types of affordable housing projects qualify for alternate compliance?

A: Alternate compliance pathways are afforded to the following buildings:

- Buildings in which more than 35 percent of the units are rent regulated, regardless of whether they contain units with income restrictions
- Housing Development Fund Cooperatives (HDCFC cooperatives)
- Buildings that have HUD project-based assistance (section 8, 2302, 811, CoC, etc.) including buildings on NYCHA land that participate in the PACT/RAD program.

Q: My building falls into one of the above categories. What do I need to do?

A: Article 320 details two compliance pathways for the above buildings. Either demonstrate that your building's 2024 emissions are below LL97's 2030 limits or implement a set of Prescriptive Energy Conservation Measures by the end of 2024.

Building owners will have to submit a report demonstrating compliance with one of these options by May 1, 2025. For the first option, the building owner must submit a report certified by a registered design professional that demonstrates compliance with LL97's 2030 building emission limits. For the latter, a retro-commissioning agent must prepare and certify a report for the building owner that demonstrates completion of all applicable Prescriptive Energy Conservation Measures.

Q: How can I calculate my building's LL97 limits for the 2030 compliance period?

A: Visit Building Energy Exchange's [LL97 Carbon Emissions Calculator](#), an online tool that helps estimate a building's LL97 carbon thresholds and penalties. Search your building address to automatically load building from NYC's benchmarking database, or manually enter energy use data.

Q: My building's emissions may be too high to meet the 2030 limits. What Prescriptive Energy Conservation Measures do I implement?

A: All applicable measures from the following list of Prescriptive Energy Conservation Measures must

be implemented. You can only omit a measure if it is not applicable to your building (e.g., my building does not have steam traps, so I cannot replace or repair them).

- Adjusting temperature set points for heat and hot water to reflect appropriate space occupancy & facility requirements
- Repairing all heating system leaks
- Maintaining the building's heating system, including but not limited to ensuring that system component parts are clean and in good operating condition
- Installing individual temperature controls or insulated radiator enclosures with temperature controls on all radiators
- Installing or upgrading steam system master venting at the ends of mains, large horizontal pipes, and tops of risers, vertical pipes branching off a main
- Weatherizing and air sealing where appropriate, including windows and ductwork, with focus on whole-building insulation
- Installing radiant barriers behind all radiators
- Insulating all pipes for heating and/or hot water
- Insulating the steam system condensate tank or water tank
- Installing indoor and outdoor heating system sensors and boiler controls to allow for proper set-points
- Replacing or repairing all steam traps such that all are in working order
- Upgrading lighting to comply with the standards for new systems set forth in section 805 of the New York City energy conservation code and/or applicable standards referenced in such energy code on or prior to Dec 31, 2024
- Installing timers on exhaust fans

Q: Can I apply for an exemption from these Prescriptive Energy Conservation Measures?

A: No — but you can avoid implementing Prescriptive Energy Conservation Measures if you can demonstrate that your building meets LL97's 2030 carbon emission limits by 2024, as mentioned earlier.

Frequently Asked Questions

Delayed Compliance for Certain Affordable Housing Projects

Q: My building has some rent-regulated units — but not more than 35%. Does this mean that my building must comply with LL97?

A: Yes, but — buildings with at least one rent-regulated unit, and where up to (but not over) 35% of units are rent regulated, may delay compliance with LL97's emissions limits until 2026. For all years following, these buildings will be subject to the same thresholds as all other buildings covered by LL97.

Q: Is income-restricted housing exempt from LL97?

A: No, but — Mitchell-Lama rentals and cooperatives, and buildings that contain one or more units that are income restricted (through certain loan, grant, real property tax exemption, or property disposition programs) are not subject to LL97 emissions limits until 2035. After 2035, they must meet subsequent limits.

Additional Considerations

Q: My building has both income restriction and rent regulation. What do I do?

A: If your building has income restriction and 35% or more units with rent regulation, it is treated as a rent regulated building and can pursue alternate compliance detailed in Article 321.

If your building has income restriction and at least one rent-regulated unit, but not more than 35% rent regulated units, it is treated as an income-restricted building and can delay compliance until 2035.

Q: What about the City's NYCHA (New York City Housing Authority) housing? Will those buildings be subject to LL97 and face potential penalties?

A: Buildings on land owned by NYCHA are subject to separate, rigorous emissions reduction requirements, targeting 40% portfolio-wide reductions by 2030, and 80% by 2050, relative 2005 emissions.

In addition, NYCHA developments in the federal Rental Assistance Demonstration (RAD) program, including those that participate in the Permanent Affordability Commitment Together (PACT) programs, also must comply with LL97's alternate compliance pathway— either by meeting 2030 limits in 2024, or completing Prescriptive Energy Conservation Measures.

Q: What if my building has tenant-based rental assistance (vouchers)?

A: Vouchers are associated with tenants, rather than attached to a particular building, so do not qualify a building for alternate or delayed compliance.

Q: What about Inclusionary Housing (IH), Mandatory Inclusionary Housing (MIH), or buildings with Low Income Housing Tax Credits?

A: LL97 does not specifically address buildings subject to inclusionary housing, nor does it address buildings awarded Low Income Housing Tax Credits. Buildings that fall into these categories should refer to the above guidance to see whether they are subject to exceptions or extensions.

Contact the NYC Accelerator today:

[NYC.gov/accelerator](https://nyc.gov/accelerator)

212.565.9202

info@accelerator.nyc

[linkedin.com/company/nycaccelerator](https://www.linkedin.com/company/nycaccelerator)