

Long Awaited LL97 Compliance Standards Are Here

Effective January 1, 2024 with Extended Deadlines 2026

We have reached the first round of Local Law 97 building compliance deadlines, effective this month as of January 1, 2024. Buildings over 25,000 square feet are required to meet greater energy efficiency limiting greenhouse gas emissions, with stricter limits in effect 2030. Owners of buildings with 35 percent rent-stabilized units or less can have later compliance with the emissions caps in 2026. We know that each building's path to compliance will vary, a reality also recognized by City administration. So, owners who act in "good faith" but have not yet met compliance standards in January and have proactive plans will have compliance deadlines extended to 2026.

By way of background, Local Law 97 of 2019, one of New York City's most ambitious plans for reducing carbon emissions, was enacted on May 19, 2019 and took effect on November 15, 2019 as part of previous Mayor Bill DeBlasio's New York City Green Deal. With Covid 19 delays, understaffed regulating agencies and more pressing City agendas, there was not much guidance for owners beyond initial introduction.

That is until four years later, fall of last year, when the Department of Buildings (DOB) released guidelines and rules for beginning compliance standards in the 2024 to 2029 period. Mayor Eric Adams "Getting 97 Done" plan introduced a comprehensive mobilization strategy to reduce building emissions, with much awaited guidance for owners on how they can begin to comply with Local Law 97's first emissions limits.

The Adams program focuses on four key areas: identifying and targeting city, state, federal and utility-based financing and funding of upgrades; providing buildings with needed technical advice through the NYC Accelerator; implementing key enforcement mechanisms via the DOB rule package; and decarbonizing central systems in partnership with New York State.

In December 2023, DOB published the second major final rules package for implementation. The final rules outline incentives for early electrification in all covered buildings and a continued expansion on the definition of what constitutes "good faith" efforts. Please visit the following link for more information: <https://on.nyc.gov/3Hdv3Ub>

Pre-requirements to be able to apply for a good faith effort are as followed:

1. Building owners must submit their LL97 building emissions report by May 1, 2025.
2. Building owners must submit their LL84 benchmarking report by May 1, 2025.
3. Building owners must attest that they are in compliance with lighting upgrades and tenant submetering requirements as required by LL88 by May 1, 2025.

To ensure owners are moving toward a path of compliance, DOB has also adopted additional rules effective January 20, 2024. The first, reporting of lighting upgrades and installation of sub-meters in certain buildings, requires buildings that are 25,000 square feet or larger upgrade lighting systems and install electric sub-meters in tenant space by January 1, 2025. Please visit the following link for more information: <https://bit.ly/3Hc7qvc>

The second, an amendment to Annual Greenhouse Gas (GHG) emissions limits for buildings to establish penalties for noncompliance and to establish a credit for beneficial electrification. Please visit the following link for more information: <https://bit.ly/3RY81FN>

The final, an amendment to include additional energy conservation measure requirements for owners of "covered building". Please visit the following link for more information: <https://bit.ly/48Ouax3>

For all owners, buildings must still submit annual reports on their building emissions. Buildings must also undergo energy efficiency retrofits and take measures to reduce carbon emissions. While LL97 compliance slowly starts to roll out, we continue to encourage our members to take advantage of the resources available to them. We will continue to highlight the free NYC Accelerator webinars, provide points of contact for energy audits and keep you informed on any updates or changes to these mandates. ■

Stay in Touch with the RSA through Social Media:



Like RSA on Facebook at:
www.facebook.com/RSAAnyc



Follow RSA on Twitter at:
www.twitter.com/theRSAAnyc



Watch RSA videos on YouTube at:
www.youtube.com/theRSAAnyc