



Local Law 97 – Exceptions and important points.

https://www1.nyc.gov/assets/buildings/local_laws/ll97of2019.pdf

Department Contact - GHGmissions@buildings.nyc.gov

§ 28-320.3.9 Extension for certain income-restricted housing.

1. This section is applicable to covered buildings that are owned by a limited-profit housing company organized under article 2 of the private housing finance law,
2. or contain one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant thereof as a condition of a loan, grant, tax exemption, or conveyance of property from any state or local governmental agency or instrumentality pursuant to the private housing finance law, the general municipal law, or section 420-c of the real property tax law.
3. **Such buildings are exempted from the annual building emissions limits set forth in section 28-320.3.1 and 28-320.3.2 and from any applicable reporting requirements.**

Exceptions: (Article 321 for Energy Conservation Measures)

1. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than [two dwelling units] 25,000 gross square feet (2322.5), as certified by a registered design professional to the department.
2. An industrial facility primarily used for the generation of electric power or steam
3. A covered building as defined in article 320

Exceptions: (Article 320 for Building Energy and Emissions Limits)

1. An industrial facility primarily used for the generation of electric power or steam.
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.



3. A city building.
4. A housing development or building on land owned by the New York city housing authority
5. A rent regulated accommodation.
6. The real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship.
7. Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law

***RENT REGULATED ACCOMMODATION.**

The term “rent regulated accommodation” means a building (i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code.

§ 28-320.3.6 Deductions from reported annual building emissions.

The department may authorize a deduction from the annual building emissions required to be reported by an owner pursuant to section 28-320.3 where the owner demonstrates the purchase of greenhouse gas offsets or renewable energy credits, or the use of clean distributed energy resources, in accordance with this section.

§ 28-320.9 Adjustment to applicable annual building emissions limit for not-for-profit hospitals and healthcare facilities.

The department shall grant an adjustment of the annual building emissions limits for calendar years 2024-2029 and 2030-34 where all of the following conditions in items 1 and 2 are met:

1. The building is classified as a not-for-profit hospital, not-for-profit health center, or not-for-profit HIP center, in existence on the effective date of this article; and
2. By no later than July 21, 2021, the owner of the covered building submits an application to the department for such adjustment in a form and manner prescribed by the department.



§ 28-320.3.7 Reports.

By May 1, 2025, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:

1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or
2. Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.

§ 28-320.6.1 Determination of penalty. In considering the amount of the civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to aggravating or mitigating factors including:

1. The respondent's good faith efforts to comply with the requirements of this article, including investments in energy efficiency and greenhouse gas emissions reductions before the effective date of this article;
2. The respondent's history of compliance with this article;
3. The respondent's compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;
4. Whether the non-compliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;
5. The respondent's access to financial resources; and 6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety .