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Title: A Local Law to amend the city charter and the administrative code of the city of New York, in relation to delaying the greenhouse gas emission reduction requirements outlined in Local Law 97 by 7 years

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Attachments: 1. Summary of Int. No. 913, 2. Int. No. 913, 3. February 2, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 2-2-23, 5. Minutes of the Stated Meeting - February 2, 2023

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Int. No. 913

By Council Members Paladino, Lee, Holden, Yeger, Ung, Narcisse, Stevens, Riley, Vernikov, Borelli, Ariola, Kagan and Carr

A Local Law to amend the city charter and the administrative code of the city of New York, in relation to delaying the greenhouse gas emission reduction requirements outlined in Local Law 97 by 7 years

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 651 of chapter 26 of the New York city charter, as amended by local law number 97 for the year 2019, is amended to read as follows:

3. Monitoring buildings’ energy use and emissions, and reviewing building emissions assessment methodologies, building emissions limits, goals and timeframes to further the goal of 2 achieving a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year [2030] 2037, relative to such emissions for the calendar year 2005;

§ 2. Paragraph 1 of subdivision a of section 24-803 of the administrative code of the city of New York, as amended by local law number 97 for the year 2019, is amended to read as follows:

(1) Reduction of emissions citywide. There shall be, at minimum, a 40 percent reduction in citywide emissions by calendar year [2030] 2037, and an 80 percent reduction in citywide emissions by calendar year [2050] 2057, relative to such emissions for the base year for citywide emissions.

§ 3. Paragraph 1 of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:

(1) Reduction of emissions from city government operations. There shall be, at minimum, a 40 percent reduction in city government emissions by fiscal year [2025] 2032, and a 50 percent reduction in city government emissions by calendar year [2030] 2037, relative to such emissions for the base year for city government emissions.

§ 4. Paragraph 3 of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law 101 for the year 2021, is amended to read as follows:

(3) Reduction of emissions by the New York city housing authority. The New York city housing authority shall make efforts to reduce greenhouse gas emissions by 40 percent by the year [2030] 2037 and 80 percent by the year [2050] 2057, relative to such emissions for calendar year 2005, for the portfolio of buildings owned or operated by the New York city housing authority. If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.

§ 5. Section 28-320.3 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3 Building emissions limits. Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, [2024] 2031 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building.

§ 6. The lead title and opening paragraph of section 28-320.3.1 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.1 Annual building emissions limits [2024-2029] 2031 through 2036. For calendar years [2024] 2031 through [2029] 2036 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space.

§ 7. The lead title and opening paragraph of section 28-320.3.1.1 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years [2024] 2031 through [2029] 2036. The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years [2024] 2031 through [2029] 2036:

§ 8. The lead title and opening paragraph of section 28-320.3.2 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.2 Building emissions limits for calendar years [2030] 2037 through [2034] 2041. For calendar years [2030] 2037 through [2034] 2041 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space. The department may establish different limits, set forth in the rules of the department, where the department determines that different limits are feasible and in the public interest. Where such limits are set by rule, the average emission limits for all covered buildings shall not be less restrictive than the average emissions impact of the building emissions limits outlined in items 1 through 10 of this section. The advisory board and the office of long term planning and sustainability shall provide advice and recommendation regarding such limits.

§ 9. The lead title of section 28-320.3.2.1 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years [2030] 2037 through [2034] 2041.

§ 10. The lead title and opening paragraph of section 28-320.3.4 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.4 Building emissions limits for calendar years [2035] 2042 through [2050] 2057. No later than January 1, 2023, the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years [2035] 2042 through [2039] 2046 and building emissions limits and building emissions intensity limits applicable for calendar years [2040] 2047 through [2049] 2056. Such limits shall be set to achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO₂e/sf/yr by [2050] 2057.

§ 11. The lead title and opening paragraph of section 28-320.3.5 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.5 Building emissions limits on and after calendar year [2050] 2057. No later than January 1, [2023] 2030 the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years commencing on and after January 1, [2050] 2057. Such limits shall achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO₂e/sf/yr.

§ 12. Section 28-320.3.6.2 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.6.2 Deductions from reported annual building emissions for purchased greenhouse gas offsets. For calendar years [2024] 2031 through [2029] 2036, a deduction shall be authorized for up to 10 percent of the annual building emissions limit. Such a deduction shall be authorized only where within the reporting calendar year, greenhouse gas offsets equivalent to the size of the deduction as measured in metric tons of carbon dioxide equivalent and generated within the reporting calendar year have been (i) purchased by or on behalf of the owner in accordance with an offset standard referenced by rules of the department, (ii) publicly registered in accordance with such offset standard, and (iii) retired or designated to the department for retirement. Such greenhouse gas offsets must exhibit environmental integrity principles, including additionality, in accordance with rules promulgated by the department in consultation with the office of long term planning and sustainability. For the purposes of this section, additionality means a requirement that an offset project is not already required by local, national or international regulations. Prior to the department promulgation of rules, the department shall consult the advisory board on environmental justice as established in local law 64 of 2017.

§ 13. The opening paragraph of section 28-320.3.6.3 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

For calendar years [2024] 2031 through [2029] 2036, a deduction from the reported annual building emissions shall be authorized based upon the calculated output of a clean distributed energy resource located at, on, in, or directly connected to the building subject to the report. The department shall promulgate rules to set forth how such deduction shall be calculated, in accordance with the following:

§ 14. Section 28-320.3.7 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.3.7 Reports. By May 1, [2025] 2032, 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.

For a report filed on or after May 1, [2026] 2033, where a report required to be submitted by May 1 in the prior year indicated that the covered building was not in compliance with the applicable building emissions limit established pursuant to section 28-320.3 in the calendar year covered by such report, but such building is in compliance for the calendar year covered by the report required to be submitted by May 1 in the current year, such report shall describe the methods used to achieve compliance.

§ 15. Section 28-320.8 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.8 Adjustment to applicable annual building emissions limit for calendar years [2024-2029] 2031-2036. The department may grant an adjustment of the annual building emissions limit for calendar years [2024] 2031 through [2029] 2036 applicable to a covered building in existence on the effective date of this article where such covered building emissions in calendar year 2018 exceeds the building emissions limit as prescribed by section 28-320.3.1 by more than 40 percent, as reported to the department by a registered design professional. The adjustment shall result in a required building emissions limit that is 70 percent of the calendar year 2018 building emissions for the covered building. Such adjustment may be granted where:

1. The owner of a covered building demonstrates that the building emissions in excess of the building emissions limit is attributable to special circumstances related to the use of the building, including but not limited to 24 hour operations, operations critical to human health and safety, high density occupancy, energy intensive communications technologies or operations, and energy-intensive industrial processes;
2. The owner of a covered building demonstrates that the energy performance of the covered building is equivalent to a building in compliance with the New York city energy conservation code in effect on January 1, 2015; and
3. The owner of the covered building has submitted a plan to the department setting forth a schedule of alterations to the covered building or changes to the operations and management of the covered building sufficient to ensure that the covered building will be in compliance with the annual building emissions limits for calendar years [2030] 2037 through [2034] 2041, as required by section 28-320.3.2.

§ 16. Section 28-320.8.1 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-320.8.1 Effective period. An adjustment granted pursuant to section 28-320.8 may be effective for the reporting years [2025] 2032 through [2030] 2037, as prescribed by section 28-320.3.7, provided that the certificate of occupancy has not been amended after December 31, 2018.

§ 17. Section 28-320.8.1.1 of the administrative code of the city of New York, as amended by local law

126 for the year 2021, is amended to read as follows:

§ 28-320.8.1.1 Extension of effective period. The commissioner may also grant an extension of the effective period of the adjustment to applicable annual building emissions limit for calendar years [2030-2035] 2037-2042, as prescribed by section 28-320.3.8. Such extension may be granted upon submission of a schedule of alterations to the covered building or changes to the operations and management of the covered building in accordance with section 28-320.8 sufficient to ensure that by [2035] 2042 the covered building will comply with a required building emissions limit that is 50 percent of the reported 2018 building emissions for the covered building.

§ 18. Section 28-320.9 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 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] 2031-2036 and [2030-34] 2037-2041 where:

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.

For calendar years [2024] 2031 through [2029] 2036, the adjustment shall result in the covered building being subject to an emissions limit that is 85 percent of the calendar 2018 building emissions for such covered building. For calendar years [2030] 2037 through [2034] 2041, the adjustment shall result in the covered building being subject to an emissions limit that is 70 percent of the calendar 2018 building emissions for such covered building.

§ 19. Section 28-321.2.1 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-321.2.1 Energy compliant buildings. The owner of a covered building shall demonstrate that, for calendar year [2024] 2031, the annual building emissions of such covered building did not exceed what the applicable annual building emissions limit would be pursuant to section 28-320.3.2 if such building were a covered building as defined in article 320 of this chapter.

§ 20. The lead title of section 28-321.2.2 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-321.2.2 Prescriptive energy conservation measures. By December 31, [2024] 2031, the owner of a covered building shall ensure that the following energy conservation measures have been implemented where applicable:

§ 21. Item 10 of section 28-321.2.2 of the administrative code of the city of New York, as amended by

local law 126 for the year 2021, is amended to read as follows:

10. 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 December 31, [2024] 2031. This provision is subject to exception 1 in section 28-310.3, provided that July 1, 2010 is replaced by January 1, 2020 for the purposes of this section;

§ 22. Section 28-321.3 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-321.3 Reports. By May 1, [2025] 2032, an owner of a covered building shall submit a report to the department to demonstrate compliance with this section in accordance with section 28-321.3.1 or section 28-321.3.2.

§ 23. Section 28-321.3.1 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

§ 28-321.3.1 Energy compliant buildings reports. 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 calendar year [2024] 2031 such building was in compliance with the applicable building emissions limit established pursuant to section 28-320.3.2.

§ 24. This local law shall take effect immediately.

APM
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