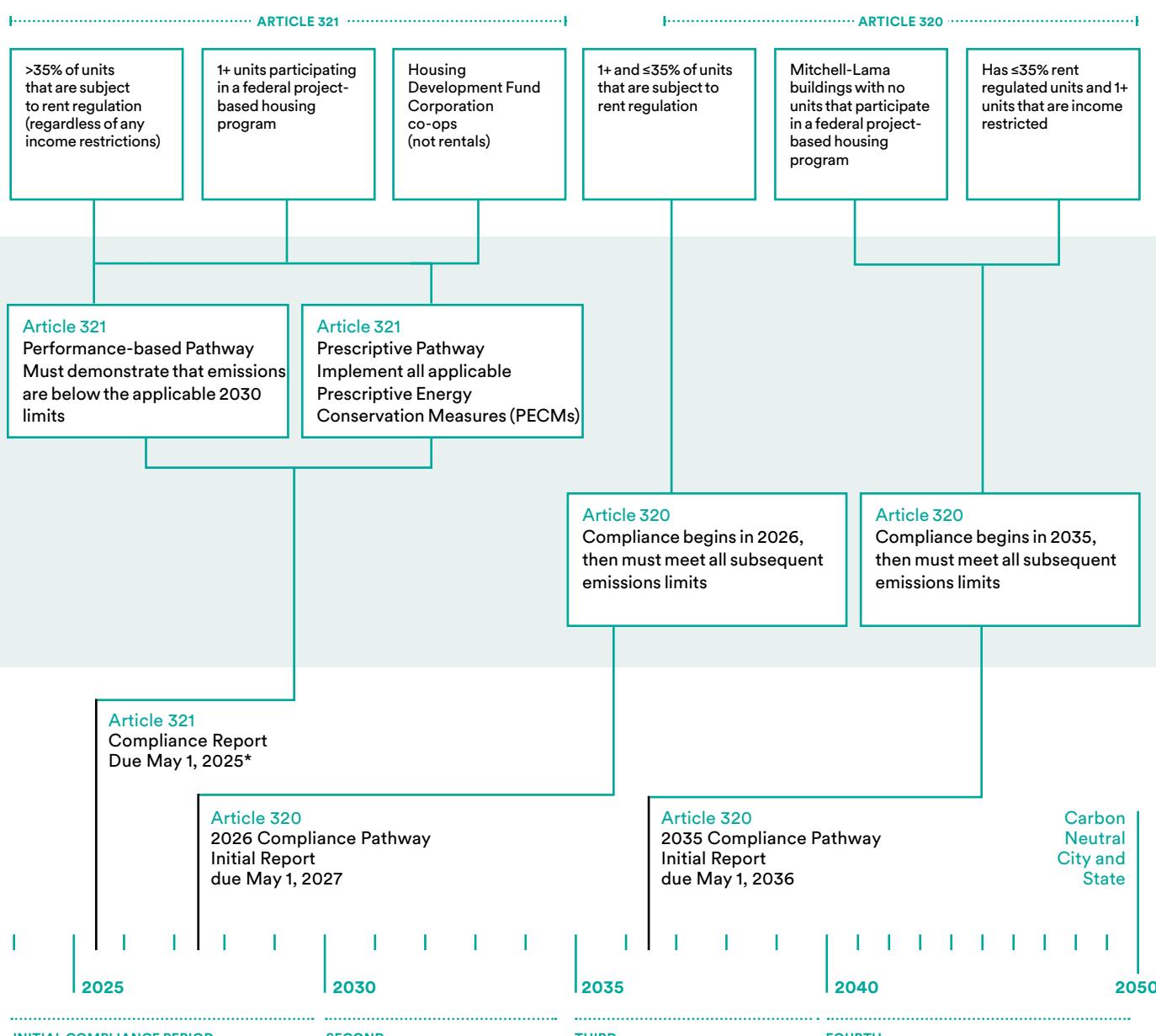


## Frequently Asked Questions

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, in which compliance with LL97 can be delayed through two possible timelines.

### Find your building type:



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## Frequently Asked Questions

### How can I calculate my building's LL97 limits for each compliance period?

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.

### Article 321:

#### What types of affordable housing projects qualify for Article 321 compliance?

Article 321 compliance pathways are prescribed to the following buildings:

- Buildings in which more than 35 % of the units are rent regulated, regardless of whether they contain units with income restrictions
- Housing Development Fund Cooperatives co-ops (not rentals)
- Buildings that have at one or more units that participate in a federal project-based housing program (section 8, 2302, 811, CoC, etc.)

#### My building is subject to Article 321. What do I need to do?

Article 321 details two compliance pathways for the above buildings. Either demonstrate that your building's 2024 emissions were below its LL97 2030 applicable limits or implement a set of Prescriptive Energy Conservation Measures. Building owners had to submit a report demonstrating compliance with one of these options by May 1, 2025.\* If your building did not receive an extension in time or did not file a report in time, you could face penalties, at the Department of Building's (DOB) discretion, until Article 321 compliance is demonstrated. Penalties can be imposed annually and levied per building, not per lot.

Building owners who anticipate a report showing non-compliance may request penalty mitigation in consultation with the DOB. Penalty mitigation requests have the same deadline as the LL97 compliance report.

For the most up to date guidance, check the relevant filing guides on DOB's [website](#) as well as the NYC Department of Housing Preservation and Development (HPD)'s [LL97 page](#).

\* Building owners were allowed to file an extension by August 29, 2025 to submit their reports by December 31, 2025.

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

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) and indicate that it does not apply.

1. Adjusting temperature set points for heat and hot water to reflect appropriate space occupancy and facility requirements
2. Repairing all heating system leaks
3. Maintaining heating system, including but not limited to ensuring that the system component parts are clean and in good operating condition
4. Installing individual temperature controls or insulated radiator enclosures with temperature controls on all radiators
5. Insulating all pipes for heating and/or hot water
6. Insulating steam system condensate tank or water tank
7. Installing indoor and outdoor heating system sensors and boiler controls to allow for proper set-points
8. Replacing or repairing all steam traps such that all are in working order
9. 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
10. Upgrading lighting to comply with New York City Energy Conservation Code at time of installation

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11. Weatherizing and air sealing, where appropriate, including windows and ductwork, with focus on whole-building insulation
12. Installing timers on exhaust fans
13. Installing radiant barriers behind all radiators

### What if I can't submit my compliance report in 2025?

Updates to the law state that if a building cannot complete all PECMs by December 31, 2025, it can receive more time to complete the work, and then the PECMs must be completed expeditiously. To do so, buildings must apply for a mediated resolution and an extension (this request should have been made by August 29, 2025).

### What is a mediated resolution according to Article 321?

A mediated resolution is an agreement between the DOB and a building owner that is not in compliance with their building's emissions limits. The DOB may offer a mediated resolution if:

- You submit an attestation that your building is not in compliance
- You submitted a benchmarking report for the calendar year 2024
- You submit a "Compliance Plan" that details either:
  - How the building will comply with 2030 emissions limits by 2030, including estimated emissions reduction of proposed renovations and how such renovations will be financed and implemented
  - How the 13 PECMs will be completed by December 31, 2025, including which vendors are responsible

If the terms of the agreement are not met, standard LL97 penalties apply.

### What is the penalty for not complying with Article 321?

Failure to both submit a report and comply with either one-time compliance option is cause for a civil penalty of up to \$20,000 (\$10,000 for missing the deadline, \$10,000 for non-compliance) per covered building, which can be levied annually until compliance is demonstrated.

## Article 320: The 2026 and 2035 Pathways

### My building has some rent-regulated units — but not more than 35%. Does this mean that my building must comply with Article 320 of LL97?

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.

Note that if your building has at least one unit that is income-restricted, then the 2026 Pathway does not apply and the 2035 Pathway applies instead (see below).

### Is income-restricted housing exempt from Article 320 of LL97?

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.

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### Additional Considerations

#### **My building has both income restriction and rent regulation. What do I do?**

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 2026.

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

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, are strongly recommended to comply with LL97's alternate compliance pathway—either by already meeting 2030 limits in 2024, or completing Prescriptive Energy Conservation Measures.

#### **What if my building has tenant-based rental assistance (vouchers)?**

Vouchers are associated with tenants, rather than attached to a particular building, so they do not qualify a building for Article 321 Prescriptive Pathway compliance.

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

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 determine compliance requirements.

#### **What about Mitchell-Lamas regulated by the City's HPD (Department of Housing Preservation & Development) and financed by HDC (New York City Housing Development Fund Corporation)? Which pathway do they follow?**

Mitchell-Lama buildings generally fall under the 2035 Pathway under Article 320. However, if a Mitchell-Lama has any units that participate in a federal project-based housing program, then it must follow the Prescriptive Pathway under Article 321.

#### **What happens if the percentage of rent-regulated units falls from above 35% to 35% or below in a building?**

In this case, the building, which previously qualified for Article 321, would now become a 2026 pathway building. The one-time Article 321 report would be superseded by annual Article 320 emissions reports beginning with the first full calendar year following the status change. Note that the reverse situation, where a 2026 Pathway building becomes an Article 321 building, is unlikely.

#### **What happens if a building loses all of its income-restricted units or leaves the Mitchell-Lama program through privatization?**

In this case, the building will fall out of the 2035 pathway and become subject to annual LL97 reports beginning with the first full calendar year following the status change.