



Mona Sehgal, Associate Commissioner and General Counsel
New York City Department of Buildings, Office of the General Counsel
280 Broadway, 7th Floor
New York, NY 10007

October 24, 2023

RE: Comments on New York City Department of Buildings Proposed Rules on Local Law 97: Articles 320 & 321

Dear Associate Commissioner Mona Sehgal,

American Institute of Architects New York writes to express our support for New York City Department of Building's (DOB) proposed rules on Local Law 97 – Articles 320 and 321 – and suggest opportunities for additional guidance to ensure the goals of Local Law 97 are achievable.

In May 2019, Local Law 97 was passed, setting greenhouse gas emission limits on buildings over 25,000 square feet starting in 2024. Local Law 97 is intended to reduce emissions from buildings by 40% by 2030 and achieve an 80% reduction citywide by 2050. The rules for implementing this ambitious policy provide critical details building owners need to comply, explaining how Local Law 97's substantial penalties can be temporarily avoided. The rules incentivize long-term carbon reduction planning, establishes a "credit" that can be applied towards emission reduction targets to encourage early adoption of electrification projects, and limits on the use of renewable energy credits (RECs) for offsetting emissions. Further, the proposed rule provides guidance for buildings with affordable housing and other circumstances which have alternative emission reduction goals.

The proposed rules also provide a pathway for buildings that do not comply by the 2024 deadline to demonstrate a "good faith effort" through a decarbonization plan that could delay penalties. While the proposed rules provide flexibility that will benefit buildings not yet on the path to decarbonization, there needs to be greater specificity to the requirements of these plans and the oversight of their execution. Leaving these requirements open to interpretation will increase the demand on DOB staff and will lead to inconsistent enforcement.

The rules must also address the subsequent deadlines for emissions limits. The owners of buildings which comply with the 2024 standards but exceed the 2030 limits need to understand whether the same process for establishing a decarbonization plan will apply to them. While the majority of buildings already meet the 2024 emission standards, it is essential that building owners are provided with guidance on complying with 2030 standards now as they will need to begin the process of retrofitting soon to meet the stringent 2030 limits. AIA New York recommends adding additional guidance to the rules to help buildings prepare and proactively comply with 2030 and 2050 deadlines.

DOB's proposed rules are a step in the right direction towards achieving our ambitious climate goals and for New York to continue to lead the way in fighting climate change. AIA New York looks forward to continuing our partnership with DOB to ensure robust implementation of Local Law 97 and to serve as a resource and advocate for meeting the city's net-zero emission building goals.

Sincerely,

Matthew Bremer, 2023 President, AIA New York; Founder, Architecture in Formation