

**Legal Alert: New York City Department of Buildings Promulgates  
Local Law 97 Rules & Guidelines**

**September 14, 2023**

On Tuesday, September 12, 2023, Mayor Adams launched “Getting 97 Done,” an aggressive plan to cut harmful carbon emissions from the city’s largest buildings as part of their obligations under [Local Law 97 of 2019](#). Beginning January 1, 2024, buildings covered by Local Law 97, which generally covers buildings that exceed 25,000 gross square feet or more, are required to meet the carbon emissions standards set for the occupancies within the building. By 2030, the city’s largest buildings must have reduced their carbon emissions by 40%, and by 2050 emissions must be reduced by 80%.

The law establishes annual greenhouse gas (GHG) emissions limits for each type of building and requires the owners of such buildings to report the building’s actual GHG emissions to the Department of Buildings (DOB) each year for the preceding calendar year beginning on May 1, 2025. If a building exceeds applicable annual GHG emissions limits, an owner may be subject to civil penalties.

As part of this launch, the DOB published proposed rules to guide implementation of the law and compliance during the 2024-2029 period.

The proposed rules;

- (1) Establish the penalty for failure to file the annual building emissions report by May 1 of each year, and the penalty for exceeding building emissions limits, at the maximum amount allowed by the law;
- (2) Outline factors that may mitigate a building owner’s penalty amount during the 2024-2029 period, including how property owners can demonstrate a “good faith effort,” therefore avoiding penalties by not being in compliance – namely, by showing progress on decarbonization, sharing a plan to reach their emissions reduction targets, and accepting a framework for retroactive enforcement if they fail to follow through on those plans;
- (3) Prohibit buildings that qualify for the “good faith effort” provision, and implement a decarbonization plan, from purchasing renewable energy credits as part of reaching their emissions reduction targets; and,
- (4) Establish a new credit for early electrification work in a building that owners can apply towards compliance with their emissions reduction targets.

(5)

These proposed rules will be open to public comment during an online hearing held by DOB on October 24, 2023 at 11:00 AM.

We will continue to keep you updated as to the progress and adoption of the DOB's rules for compliance with Local Law 97. If you would like to discuss the impact that Local Law 97 of 2019 may have on your building, please feel free to contact our Administrative Law Department.