

# LL97 PRESCRIPTIVE PATHWAYS WEBINAR FAQ



Following our recent webinar on Local Law 97 (LL97) Prescriptive Pathways, we've compiled a list of the most frequently asked questions for your reference. This list serves as a helpful starting point on your journey toward compliance with local building laws. It's important to note that this compilation is not intended as a comprehensive guide but rather as a resource to address common inquiries. To address the unique variables affecting your buildings and to develop a tailored plan of action, we encourage you to connect with a NYC Accelerator Account Manager.

## 1. What is the status of homeless shelters in relation to Local Law 97 (LL97)?

A: Homeless shelters will need to comply with the LL97 compliance pathway that the overall building falls under based on its "covered building" sub-category. If they meet the corresponding Article 320 or Article 321 eligibility criteria for penalty mitigation, they can pursue mediated resolution.

## 2. Do major utilities offer low carbon alternatives to meet emission restrictions?

A: Utilities offer financial incentives to replace oil and gas equipment with electric equipment. Solar and geothermal incentives are available from the utilities and NYSERDA, as listed on the [NYC Accelerator website](#).

## 3. How does compliance with LL84 benchmarking requirements impact LL97 compliance?

A: Buildings that are already subject to LL84 will need to continue submitting their annual benchmarking reports regardless of their LL97 compliance pathway. Buildings that are of a size where they are subject to LL97 but not LL84 will only need to create an LL84-style benchmarking report if they are pursuing a mediated resolution.

## 4. Why is the kWh to CO<sub>2</sub>e conversion coefficient in LL97 different from the EPA coefficient?

A: The greenhouse gas (GHG) coefficient for utility electricity in New York City includes imported electricity (e.g. from PJM) that is not captured in the eGRID values. The coefficient was set so that owners could have certainty for planning and would not be penalized by changes in the grid in the short term.

## 5. How can building owners ensure that the service provider they've hired for LL97 compliance work is authorized by the city and possesses adequate knowledge of local building laws to ensure effective upgrades and compliance?

A: The city does not authorize service providers, however, there are qualifications required for Retro-commissioning agents for LL97 reporting and many contractors must be licensed. The city encourages building owners to ask service providers for documentation of their qualifications and license. The [NYC Accelerator Service Provider Look Up Tool](#) has a non-exhaustive list of vetted

service providers; we do not specifically recommend or endorse any specific companies. Please complete this form to get in touch with your dedicated [NYC Accelerator Account Manager](#), who will assist you with compliance options.

#### **6. What is the cost to hire retro-commissioning agents?**

A: The respective providers would share pricing.

#### **7. How does the 25% minimum temperature sensor requirement apply to houses of worship?**

A: Per the Department of Building's [Article 321 Filing Guide](#), "For HOWs, 25% of spaces or 25% of radiators should be checked for indoor sensors; the selection of what is sampled shall be at the Retro-Commissioning (RCx) agent's discretion."

#### **8. Are occupancy sensors required in the sanctuary of a house of worship?**

A: Per §28-310.3, if an existing sanctuary space is classified as occupancy group A-3 space in a House of Worship, no lighting upgrades (including occupancy sensors) are required.

#### **9. How does the 80% minimum sampling rate apply to houses of worship?**

A: Sampling requirements for each of the Prescriptive Energy Conservation Measures (PECMs) are clarified in the [Article 321 Filing Guide](#).

#### **10. Are LL97 requirements applicable to religious institutions over 125 years old with Landmark Status?**

A: Yes, covered buildings that are landmarked are still subject to LL97 requirements; landmark status is not one of the exceptions listed under the LL97 definitions of "covered buildings." If work required for LL97 falls under the purview of Landmarks Preservation Commission (LPC), then it may require an LPC permit.

#### **11. Are there exceptions for motion sensors due to religious observance?**

A: There are no exceptions for occupancy sensors due to religious observance outside of A-3 spaces. Where occupancy sensors conflict with religious observance, such fixtures may also be placed on a time clock, at the owner's option, or have their sensors calibrated to prevent unwanted activation during the hours of observance. Other code requirements for illumination must be taken into consideration.

#### **12. Are additional insulation requirements for LL97 necessary if LL87 was completed previously?**

A: Regarding piping insulation, under LL97 all accessible pipes must be insulated regardless of diameter, as per the requirements of the New York City Energy Conservation Code. Regarding building envelope insulation, an accepted LL87 report can be used as documentation for LL97 if the work was completed on or after November 15, 2019.

#### **13. Are radiant barriers required for all configurations, including hydronic systems?**

A: Per the [Article 321 Filing Guide](#), radiant barriers are not required to be installed at radiators where no other PECM work is being executed, regardless of system type.

**14. How can building owners correct their building's classification if it's on the wrong CBL list?**

A: If you believe your property is incorrectly listed on the CBL due to the square footage of your building, contact the Department of Finance at [sustainablebuildings@finance.nyc.gov](mailto:sustainablebuildings@finance.nyc.gov).

Please include the following in the email:

- borough, block, and lot number of the building
- contact information: name, email address or/and telephone number
- explanation of your dispute

If you believe your property is erroneously listed on the CBL due to a characteristic of the building other than the square footage, email [ghgmissions@buildings.nyc.gov](mailto:ghgmissions@buildings.nyc.gov) with subject line: CBL Dispute. Please include the following in the email:

- BBL and BIN for such building
- contact information: name, email address or/and telephone number
- explanation of your dispute and any documentation requirements listed on DOB's LL97 CBL Matrix (available on DOB's website) for the compliance pathway that you believe your building is subject to

**15. What if the cost to comply with the 13 PECMs puts a building into Financial Hardship?**

A: This situation could be a good candidate for mediated resolution. Refer to the Article 321 Filing Guide for more information.

**16. Can buildings that choose PECMs apply for extensions if unable to complete work by the deadline?**

A: Yes, extensions are possible in limited circumstances. Please see the [Article 321 Filing Guide](#) for more information.

**17. What percentage of energy savings can buildings expect from implementing all 13 PECMs?**

A: Energy savings will vary from building to building depending on each building's unique systems, energy use profiles, and circumstances.

**18. When will filing templates and tools be available? How is the LL97 report submitted, and is there a template or the Department's portal for submission?**

A: Templates, tools, and resources for Article 321 reports can be found on the Department's website under the heading "[Local Law 97 & Affordable Housing](#)". Please [complete this form to get in touch with your dedicated NYC Accelerator Account Manager](#), they will help identify and guide you through the filing process.

**19. If one owner has two buildings on the same lot that share energy service, and one is subject to Article 320 and the other is subject to Article 321, how should they comply?**

A: Owners of buildings that share energy service but follow different compliance pathways will need to submit a separate report for each building.

**20. Will DOB provide feedback for early submissions?**

A: The Department is unable to provide feedback for early submission. However, questions related to reporting may be sent to [GHGEmissions@buildings.nyc.gov](mailto:GHGEmissions@buildings.nyc.gov).

**21. Can alterations be filed in DOB NOW for LL88 compliance?**

A: Alterations to electrical systems that require a permit may be filed in DOB Now: Build.

**22. Does the lighting requirement in LL97 also comply with LL88?**

A: Compliance with LL97 Article 321 PECM #10 is met through submission of the same report that is submitted for LL88; note that LL97 and LL88 are filed separately.

**23. Who is responsible for lighting upgrades in commercial spaces within condominium buildings?**

A: Refer to [1 RCNY §103-18](#) and the [LL88 FAQ](#) for more details. Dwelling units are not required to undergo lighting upgrades, however all other spaces in a covered building – including commercial condos – must comply. And, building owners must install electricity sub-meters in non-residential tenant areas which exceed 5,000 square feet and provide monthly energy-use statements.

**24. Do all radiators need to comply with the 80% sampling requirement for PECM #4?**

A: Per the [Article 321 Filing Guide](#) published after 4/16/2024, the sampling requirement is 20%. However, if even one radiator in the sample is found to have missing or inoperable required temperature controls, then all radiators in the building must be inspected.

**25. How should master venting be installed according to PECM #9 of LL97?**

A: Master vent locations should be determined by the RCx agent; the [Article 321 Filing Guide](#) contains additional guidance.

**26. Do one-pipe systems need to comply with PECM #8 regarding steam traps?**

A: One-pipe steam systems do not use steam traps, so PECM #8 would not apply.

**27. How should compliance be handled for buildings with multiple heating systems subject to different regulations?**

A: The requirements for each system must be satisfied as applicable to the system. For example, steam traps requirements only apply to two-pipe steam systems and would not be implemented on a hydronic system.

**28. Can previous LED upgrades count towards LL97 compliance?**

A: Per the LL88 code and Rule language, as long as the licensed professional submitting the report can attest that lighting upgrades were installed on or after July 10, 2010 in a manner compliant with the NYC Energy Conservation Code in effect at the time of installation, those upgrades will satisfy both LL97 and LL88.

**29. What exactly does an attestation by an RCx agent entail?**

A: The retro-commissioning agent responsible will electronically certify in the Department's reporting portal that the necessary work and inspections were completed.

**30. Are orifice plates an alternative to steam trap installations?**

A: Yes, orifice plates are considered a type of steam trap and will satisfy Article 321 PECM #8. Orifice plates on the supply pipe are addressed under Article 321 PECM #4.

**31. Are there specifications for window tinting to meet LL97 requirements?**

A: Window tinting is not included under any of the Article 321 PECMs for LL97 compliance.

**32. Is there a specification for sealing around windows?**

A: PECM #11 requires that an RCx agent verify that there is no air leakage at envelope openings, including windows. Missing or damaged caulking or sealants must be repaired or replaced where they are readily accessible. While specialized lift equipment or rigging is not a requirement for compliance with Article 321, an owner should consider the age and condition of accessible windows to be indicative of the condition across the entire building. If sealants and caulking are failing in some portions of the building, it's likely time to replace them throughout the building's entire envelope.

**33. How should lighting power density (LPD) be verified for lighting measure #10?**

A: The Department of Building (DOB) has published a [guidance document](#) that outlines the process for verifying lighting power density (LPD) calculations.

**34. Is compliance a one-time submission?**

A: According to the current rule, compliance with LL97 Article 321 will require a one-time submission. However, this is contingent on the building maintaining its Article 321 status; if the building's status changes, it may become subject to annual Article 320 emissions reports.

**35. Is the penalty for non-compliance applied annually or just once?**

A: There is a \$10,000 penalty for a late Article 321 report and a separate \$10,000 penalty for a non-compliant Article 321 report. Failure to file results in both penalties. Both types of penalties may be re-applied annually, at the Department's discretion, until compliance is demonstrated.

**36. Are there any filing fees associated with LL97 compliance?**

A: Yes, filing fees will be established by rule.

**37. How can compliance paths, PECM vs. performance, be determined if annual energy consumption data is not available by the due date?**

A: Regarding whether to choose the Article 321 Performance-based pathway or the Prescriptive (PECM) pathway, building owners can use energy benchmarking data from CY2023 to estimate

whether their CY2024 benchmarking data will be able to comply with the Performance-based pathway.

### **38. Can thermostatic radiator valves (TRVs) alone satisfy temperature control requirements?**

A: TRVs may be used to satisfy PECM #4, though overall building space temperature control is affected by several of the other PECMs. It's to an owner's benefit, and it is highly encouraged, that the PECMs be addressed as a package and not individually.

### **39. Which TRVs are recommended by the city?**

A: The city cannot recommend types or brands of equipment. An owner should work with their retro-commissioning agent or an RDP to determine the most suitable options for their property.

### **40. Can heating system sensors be implemented instead of TRVs in certain systems?**

A: Sensors are covered under PECM #7, while TRVs are covered under PECM #4; each PECM must be satisfied separately. For PECM #7, sensors that provide feedback to the boiler must be installed in at least 25% of dwelling units. For Houses of Worship, the retro-commissioning agent must survey 25% of the radiators or spaces to determine whether such sensors are applicable to the system. All boilers must also be equipped with an outdoor reset temperature sensor meeting the requirements of the New York City Energy Conservation Code.

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[linkedin.com/company/nycaccelerator](https://www.linkedin.com/company/nycaccelerator)

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