NEW YORK CITY

LOCAL LAW 33

AS AMENDED BY LL95 OF 2019

STEPS TO COMPLIANCE

NYC

Buildings

What is New York City Local Law 33 as amended by Local Law 95

?

Local Law 33 of 2018 amended the Administrative Code of the City of New York in relation to energy efficiency scores and grades for buildings required to benchmark their energy and water consumption. Energy efficiency scores and grades for these buildings shall be obtained, assigned and disclosed in accordance with the new section §28-309.12 annually, based on benchmarking reporting consistent with Federal energy efficiency standards. An energy efficiency score is the 1-100 **ENERGY STAR®** Score that a building earns using the United States Environmental Protection Agency's online benchmarking tool, ENERGY STAR Portfolio Manager® to compare building energy performance to similar buildings in similar climates. As per Local Law 95 of 2019 grades based on ENERGY STAR® energy efficiency scores will be assigned as follows:

A   Score is equal to or greater than **85**

B   Score is equal to or greater than **70** but less than 85

C   Score is equal to or greater than **55** but less than 70

D   Score is less than **55**

F   Building did not submit required benchmarking information

N   Building exempted from benchmarking or not covered by the ENERGY STAR® program

The energy label will include both a **letter grade** and the **energy efficiency score** for the building.

STEPS TO COMPLIANCE

1. Submit benchmarking data by May 1 of every year.

2. The energy efficiency grade will be made available by the NYC Department of Buildings through the **Building Energy Efficiency Rating** label every year on October 1.

3. Print and display the label in a conspicuous location near each public entrance **within 30 days** after October 1 of every year.

Submit benchmarking data by May 1 of every year:

▸ To find out if you are required to benchmark, please review your property tax bill from the Department of Finance (DOF) for a section titled **One City Built to Last - Compliance Notification**.

   You may also review the Covered Buildings List published annually on the GGBP website for your borough, block and lot (BBL) number.

▸ Check the Covered Buildings List (CBL) for the BBL number of your property every year.

▸ Set up an account in **ENERGY STAR Portfolio Manager®** if you do not have one at **https://portfoliomanager.energystar.gov/pm/login.html**.
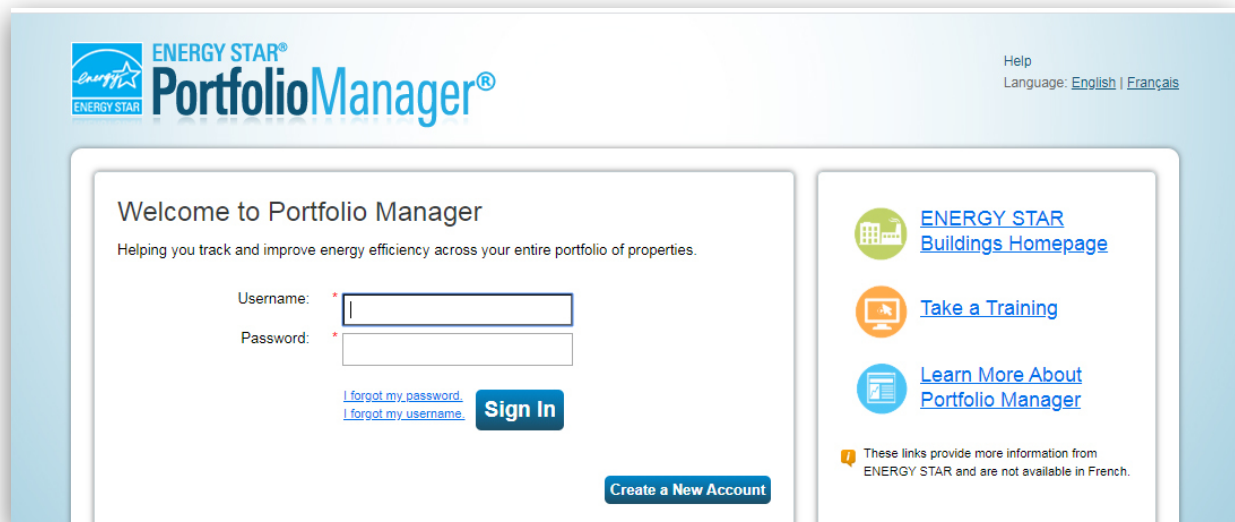
▸ Enter or review building characteristics and uses.

   NOTE: Other, or any variation of Other (Other-Retail, Other – Office, etc.), will no longer be accepted as a valid property type. Reach out to **Sustainability@buildings.nyc.gov** if you are unable to match your building's use to any of Portfolio Manager property types. **All entries are subject to audit.**

▶ **Collect whole building energy data (and water data, if required) from utilities:**

Automated Upload of the Aggregated Energy Data

A building owner can obtain aggregated energy data (building's entire electric and gas consumption for each month of a reporting year) from a private utility. Both Con Edison and National Grid offer automated upload of aggregated consumption data.

Automated Upload of the Aggregated Water Data

The Department of Environmental Protection (DEP), manages NYC water supply and waste water treatment, and provides all water consumption information to properties that have had an Automatic Meter Reader (AMR) installed for at least the entire previous calendar year; these properties are marked accordingly on the CBL and required to benchmark their water consumption.

▶ **Record/verify your energy and water usage in Portfolio Manager®**
If your building uses fuel oil or other energy that is NOT provided by Con Edison or National Grid, create meters under the 'Energy' tab as needed. Then, enter energy use data into the Portfolio Manager manually, or by uploading a spreadsheet.

▶ **Confirm and enter BBL and BIN information (mandatory fields).**
NOTE: Failure to accurately input the correctly formatted BBL and BIN information may result in the violations for non-compliance.

▶ **Check your data for errors and completeness.**
  - Check that energy use data for the entire year (January 1 - December 31, inclusive) has been uploaded/entered for each meter associated with the property.

  - If you are required to benchmark your water use, check that DEP has uploaded water use data for the entire year (January 1 - December 31, inclusive).

  - Ensure that the energy and water (if applicable) consumption for the **entire** building is reported in one submission under the BBL number that is listed on the CBL.

  - Make sure that your Energy Use Intensity (EUI) data is realistic: not lower than 5 kBtu/sq. ft. or greater than 1,000 kBtu/sq. ft.

  NOTE: The property's gross floor area (GFA) and the number of buildings on the lot should align with DOF records. Review/recalculate the self-reported gross square footage and address significant discrepancies with the DOF at Benchmarking@finance.nyc.gov.

- Retrieve a link to the unique reporting template that is created for each compliance year and submit usage data to the City by May 1 through Portfolio Manager®. The template and detailed compliance instructions are available at the **Greener, Greater Buildings Plan (GGBP)** website.

- Address error emails from **Sustainability@buildings.nyc.gov** (if applicable) by correcting listed issues and resubmit updated benchmarking report to the City by May 1 using the reporting template.

  Assistance with benchmarking tasks is available via the **NYC Sustainability Help Center**, Monday through Friday, 9:00 am to 5:00 pm. The Center can be reached by phone at **(212) 566-5584** or email at **Help@NYCsustainability.org**.
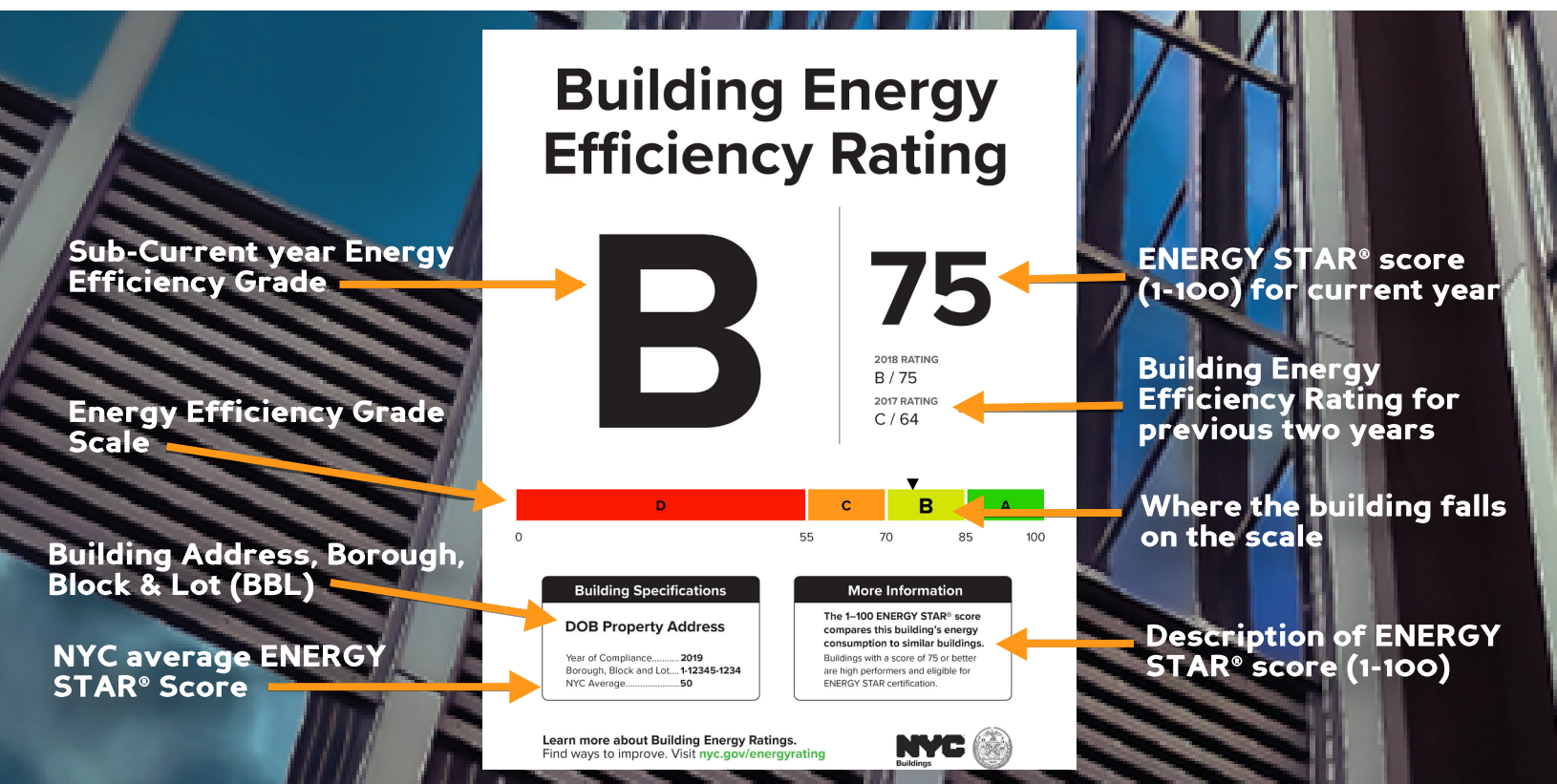
The NYC Department of Buildings will make the energy efficiency grade availble through the Building Energy Efficiency Rating label annually on October 1.

The following property types are eligible for an ENERGY STAR® 1-100 score and will be assigned a letter grade:

- Barracks
- Data center
- Hospital (general medical/surgical) *
- Hotel *
- K-12 school *
- Medical office
- Multifamily housing *
- Office (covers office, bank branch, financial office, and courthouse)
- Residence hall/dormitory
- Retail store (covers retail and wholesale club/supercenter)
- Senior care community *
- Supermarket/grocery store
- Warehouse (covers distribution center, non-refrigerated warehouse, and refrigerated warehouse)
- Wastewater treatment plant
- Worship facility

* Denotes building eligible to receive the ENERGY STAR® 1-100 score at the campus level

The Building Energy Efficiency Rating label will be available annually in the DOB NOW Public Portal covered building property profile on October 1.

Sub-Current year Energy Efficiency Grade

Energy Efficiency Grade Scale

Building Address, Borough, Block & Lot (BBL)

NYC average ENERGY STAR® Score

ENERGY STAR® score (1-100) for current year

Building Energy Efficiency Rating for previous two years

Where the building falls on the scale

Description of ENERGY STAR® score (1-100)

Buildings exempted from benchmarking or not covered by the ENERGY STAR® program:

▸ Multifamily buildings with less than 20 units, enclosed parking, or other property types that are not eligible to receive a 1-100 ENERGY STAR® Score

▸ Some mixed use buildings - a multi-use property can receive the ENERGY STAR® Score, but these two conditions apply:
   1. seventy-five percent (75%) of the Gross Floor Area (GFA) of the property must be comprised of property types that are eligible for an ENERGY STAR® Score
   2. more than fifty percent (50%) of the GFA must be comprised of one eligible property type (excluding parking)

▸ Buildings that contain a data center, television studio, and/or trading floor that together exceed ten percent (10%) of the GFA

NOTE: Properties with New Building or Demolition permits and no TCO in a reporting year, or properties with the ownership change in a reporting year may be eligible for a temporary exemption. To request an exemption for these building types, email the request to Sustainability@buildings.nyc.gov.