



## Legislation Text

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Int. No. 1197

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A Local Law to amend the administrative code of the city of New York, in relation to building emissions calculations, adjustments and penalties

Be it enacted by the Council as follows:

Section 1. Section 28-320.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-320.3 Building emissions limits.** Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, 2024 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building. For garden-type maisonette dwelling projects, as defined by section 4 of the multiple dwelling law, and covered buildings held in the cooperative or condominium form of ownership, ground floor open and green spaces adjacent to the building and located on the same tax lot shall be considered as part of the gross floor area of the building for the purpose of calculating the building's greenhouse gas emissions.

§ 2. Section 28-320.6.1 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

**§ 28-320.6.1 Determination of penalty.** In considering the amount of civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to the aggravating or mitigating factors including:

1. The respondent's good faith efforts to comply with the requirements of this article, including investments in energy efficiency projects or [and] greenhouse gas emissions reductions before the effective date of this article;
2. The respondent's history of compliance with this article;
3. The respondent's compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;

4. Whether the noncompliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;
5. The respondent's access to financial resources, where the court or administrative tribunal may consider the financial hardship of a building owned by such respondent as evidence of such respondent's access to such financial resources or, for residential buildings comprised of condominiums or cooperative units, the court or administrative tribunal may consider the median property value of the units in the residential building, as determined by the department of finance, as a mitigating factor; and
6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety.

§ 3. Article 320 of Chapter 3 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-320.6.1.2 to read as follows:

**§ 28-320.6.1.2 Reduced civil penalties for certain covered buildings.** For covered buildings held in the cooperative or condominium form of ownership comprised of units with an average assessed value of \$65,000 or less, as determined by the department of finance, that qualify for a penalty reduction based on the mitigating factors of section 28-320.6.1, civil penalties shall be reduced according to the following schedule:

1. From January 1, 2030 to December 31, 2035, civil penalties shall be reduced by 100 percent;
2. From January 1, 2036 to December 31, 2040, civil penalties shall be reduced by 50 percent; and
3. From January 1, 2041 to December 31, 2045, civil penalties shall be reduced by 25 percent.

§ 4. Section 28-320.7 of the administrative code of the city of New York is amended by adding new items 3, 4 and 5 to read as follows:

3. Such an adjustment may be granted upon a specific determination that a covered building comprised of condominiums or cooperative units has made prior retrofits to such building that contributed to building emissions reduction, including oil to gas conversions.
4. Such an adjustment may be granted upon a specific determination that a covered building comprised of condominiums or cooperative units has installed a solar photovoltaic system for energy generation on the building.
5. Such an adjustment may be granted upon a specific determination that a covered building comprised of cooperative or condominium units has submetered the individual apartments.

§ 5. This local law takes effect immediately.

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