**2014 General Administrative Provisions – Chapter 1**

**§28-104.7.16 Tenant protection plan.** The title sheet of construction documents shall contain a statement requiring a tenant protection plan to be submitted in accordance with the requirements of article 120 prior to the issuance of a permit for alteration, construction or partial demolition work in a building containing one or more occupied dwelling units.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-104.8 Applications.** All applications shall comply with sections 28-104.8.1 through 28-104.8.3.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-104.8.1 Applicant statements.** The application shall contain the following signed and sealed statements by the applicant:

1. A statement certifying that the applicant is authorized by the owner to make the application and certifying that, to the best of the applicant’s knowledge and belief, the construction documents comply with the provisions of this code or the 1968 building code, if applicable, and other applicable laws and rules; if there exist practical difficulties in the way of carrying out the strict letter of the code, laws or rules, the appli­cant shall set forth the nature of such difficulties in such signed statement;
2. A professional certification; and
3. A statement certifying compliance with the New York city energy conservation code.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-104.8.2 Owner statements.** The application shall con­tain a signed statement by the owner, and, in the case of cooperative or condominium forms of ownership, the application shall also contain a statement by the cooperative or condominium board, affirming that the applicant is authorized to make the application and, if applicable, acknowledging that construction and related documents will be accepted with less than full examination by the department based on the professional certification of the applicant. Such statement shall list the owner’s full name and address, as well as the names of the principal officers, partners or other principals if a corporation, partnership or other entity. Principal officers of a corporation shall be deemed to include the president, vice presidents, secretary and treasurer. Where a current deed holder with a valid property interest or a court appointed entity or equivalent in charge of the property, or in the case of a cooperative or condominium unit, the cooperative or condominium board, notifies the department in writing that the applicant does not have authority to make the application, the department is authorized pursuant to section 28-104.2.10 to revoke approval of construction documents. In addition, the application shall contain the following:

1. A signed statement certifying whether the building to be altered, constructed or demolished contains one or more occupied dwelling units;

2. A signed statement indicating whether the building to be altered, constructed or demolished contains housing accommodations subject to rent control or rent stabilization under chapters 3 and 4 of title 26 of the administrative code or rent regulation under Article 7-C of the Multiple Dwelling Law; and

3. If the building to be altered, constructed or demolished contains occupied housing accommodations subject to rent control under chapter 3 of title 26 of the administrative code, the application shall contain a signed statement indicating that the owner has notified the New York state division of homes and community renewal that the owner has complied with all requirements imposed by the regulations of such agency as preconditions for such filing; or that the owner has not notified such agency because the nature and scope of the work proposed, pursuant to such regulations, does not require notification; or, if the building is subject to Article 7-C of the Multiple Dwelling Law, the application shall contain a signed statement indicating that the owner will notify the New York City Loft Board of the filing of the construction documents and will comply with all requirements imposed by Multiple Dwelling Law Article 7-C and the Loft Board’s rules.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-104.11 Construction documents for sites near subways or tunnels.** Construction documents shall comply with section 28-104.11.1 through 28-104.11.4 relating to the MS4 area.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**§28-104.11.1 Definitions.** As used in this code in connection with provisions relating to the jurisdiction of the development of environmental protection, the terms covered development project, development activity, MS4 area, post-construction stormwater management facility, stormwater construction permit, stormwater maintenance permit, and stormwater pollution prevention plan or SWPPP shall have the same definitions as such terms are defined in subchapter 1 of chapter 5-A of title 24 of the administrative code.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**§28-104.11.2 Disclosure required.** It shall be the duty of an applicant for construction document approved to determine whether the site of the proposed work is part of a covered development project located within the MS4 area and to disclose such information on construction documents. Failure to disclose such information on construction documents shall be a violation of this code.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**§28-104.11.3 Required documentation.** Applications for construction document approval shall include copies of any required stormwater construction permit issued by the department of environmental protection and the stormwater pollution prevention plan for the covered development project.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**§28-104.11.4 Revocation of approval of construction documents.** Where the department finds after the approval of construction documents that the applicant failed to disclose the information required by this section, the department may revoke such approval and any associated work permits in accordance with the provisions of sections 28-104.2.10 and 28-104.2.10.1.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**§28-105.1.2 Projects for which a stormwater construction permit is required.** It shall be a violation of this code to engage in any development activity with respect to a covered development project without a stormwater construction permit issued by the department of environment protection. The issuance of a permit pursuant to this code shall not be construed to be permission for any activity that requires a stormwater construction permit issued by the department of environmental protection pursuant to chapter 5-A of title 24 of the administrative code. The issuance of a stormwater construction permit by the department of environmental protection shall not be construed as permission for work that requires a permit from the department of buildings pursuant to this code.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

§**28-105.12.10 Tenant protection plan required.** Where a tenant protection plan is required by article 120, all work shall adhere to the tenant protection plan.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-116.7 Post-construction stormwater management facilities Fabricator approval.**  The department shall not issue a certificate of occupancy with respect to a building or premises that is part of a covered development project unless the applicant submits proof that the department of environmental protection has issued a stormwater maintenance permit for any post-construction stormwater management facilities serving such building or premises.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**§28-118.22 Post-construction stormwater management facilities.** The department shall not issue a certificate of occupancy with respect to a building or premises that is part of a covered development project unless the applicant submits proof that the department of environmental protection has issued a stormwater maintenance permit for any post-construction stormwater management facilities serving such building or premises.

Legislative history: [Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

**ARTICLE 120  
TENANT PROTECTION PLAN**

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-120.1 Tenant protection plan.** A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department. Such plan shall contain a statement signed by the owner and signed by the applicant affirming that the building contains dwelling units that will be occupied dur­ing construction and shall identify in sufficient detail the specific units that are or may be occupied during construc­tion, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as “code complaint,” “approved,” “legal,” “protected in accordance with law” or similar terms be used as substitute for such description. The tenant protection plan must be site specific. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum, must comply with all applicable laws and regulations, including the New York city construction codes, the New York city housing maintenance code, the New York city noise control code and the New York city health code, and shall make detailed and specific provisions for:

1. **Egress.** At all times in the course of construction pro­vision shall be made for adequate egress as required by this code and the tenant protection plan shall iden­tify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.
2. **Fire safety.** All necessary laws and controls, includ­ing those with respect to occupied dwellings, as well as additional safety measures necessitated by the con­struction shall be strictly observed.
3. **Health requirements.** Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facil­ities shall be included.

3.1. There shall be included a statement of compli­ance with applicable provisions of law relat­ing to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

1. **Compliance with housing standards.** The require­ments of the New York city housing maintenance code, and, where applicable, the New York state mul­tiple dwelling law shall be strictly observed.
2. **Structural safety.** No structural work shall be done that may endanger the occupants.
3. **Noise restrictions.** Specifications of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.
4. **Maintaining essential services.** Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

**Exception:** In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.

2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

Legislative history: [Local Law 154 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll154of2017.pdf), [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf), [Local Law 116 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll116of2019.pdf) and [Local Law 118 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll118of2019.pdf).

**§28-120.1.1 Public availability of tenant protection plan.** Upon issuance of a permit for work containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website.

Legislative history: [Local Law 154 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll154of2017.pdf), [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-120.1.2 Provision of copy of tenant protection plan to occupants upon request.** The owner of a building undergoing work for which a tenant protection plan is required by section 28-120.1 shall, upon request from an occupant of a dwelling unit within such building, provide such occupant with a paper copy of the tenant protection plan approved by the department.

Legislative history: [Local Law 154 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll154of2017.pdf), [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-120.1.3 Notice to occupants.** Upon issuance of a permit for work containing a tenant protection plan, the owner shall (i) distribute a notice regarding such plan to each occupied dwelling unit and (ii) post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within ten feet of the elevator, or in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that occupants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;

2. The name and contact information for the site safety manager, site safety coordinator or superintendent of construction required by section 3301.3 of the New York city building code, as applicable, or, if there is no site safety manager, site safety coordinator or superintendent of construction, the name and contact information of the owner of the building or such owner’s designee; and

3. A statement that occupants of the building may call 311 to make complaints about the work.

Legislative history: [Local Law 154 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll154of2017.pdf), [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-120.2 Phased tenant protection plans.** Multiple layouts of the tenant protection features enumerated in section 28-120.1 may be submitted at any time during construction operations to show phased tenant protection plan designs consistent with the phase of anticipated work. Layouts submitted subsequent to a previously approved tenant protection plan shall constitute an amendment to such plan. Such amended plan shall be approved by the department prior to the commencement of the work requiring such amended plan.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**§28-120.3 Contractor statement.** The permit holder for the underlying alteration, construction, or partial demolition shall sign a statement certifying that the tenant protection plan submitted by the registered design professional coordinates with the scope of work intended.

**Exception:** This statement shall not be required for:

1. Work in occupied one- and two-family homes.

2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner -occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

Legislative history: [Local Law 106 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll106of2019.pdf)

**2014 General Administrative Provisions – Chapter 2**

**§28-202.1 Civil penalties.** Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than $25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than $1,000 for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.

2. For major violations, a civil penalty of not more than $10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than $250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.

3. For lesser violations, a civil penalty of not more than $500 may be imposed for each violation.

**Exceptions:**

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a civil penalty for a violation involving such building if (i) notice of such violation is issued by the department during the 90-day period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster, and (ii) such violation is corrected on or before 40 days after such disaster period or such greater amount of time as determined by the commissioner for such violation. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster, as determined by the department.

2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a civil penalty for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city-operated disaster recovery program responding to such disaster.

3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.

4. The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be $2,500 for a first violation and $5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.

5. The minimum civil penalty for a violation of section 28-103.21.1 of this code shall be $2,500, in addition to any separate daily or monthly penalty imposed pursuant to item 1 or 2 of this section.

6. The minimum civil penalty for a violation of section 3321.1 of the New York city building code shall be $5,000. The department may by rule provide that, for a first violation of such section or a first set of such violations that occur substantially at the same time, the minimum penalty may be reduced to $2,500.

7. The minimum civil penalty for a violation of section 3321.2 of the New York city building code shall be $2,500.

8. A violation of a condition, restriction or requirement established pursuant to the zoning resolution, section 197-d of the charter or section 25-114, related to a privately owned public space as such term is defined in section 25-114, shall be subject to a civil penalty of not less than $4,000 for the first offense and not less than $10,000 for each subsequent offense, in addition to any separate monthly penalty imposed pursuant to item 2 of this section.

9. For a violation of section 28-210.1:

9.1. Unless exception 9.2 applies, the minimum civil penalty for a violation of section 28-210.1 in any building involving the illegal conversion, maintenance or occupancy of three or more dwelling units above the number of dwelling units that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall be $15,000. Each dwelling unit above the number that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall constitute a separate offense that shall be charged separately and shall be punishable by a separate civil penalty. Provided, however, that the penalties for multiple violations of this exception may be based on the same evidence; and

9.2. The owner of a building shall not be subject to a civil penalty for a violation of section 28-210.1 in such building if such owner can show the following:

9.2.1. Such violation was the first such violation issued for such building or was issued within 30 days after such first violation;

9.2.2. At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, a registration for such building has been properly filed with the department of housing preservation and development in accordance with article two of subchapter 4 of the housing maintenance code; and

9.2.3. At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, such owner reasonably did not know of, or could not reasonably have known of such illegal conversion, the maintenance thereof or occupancy thereof and takes lawful immediate and diligent steps to cure said violation.

10. For violations of article 110 of this chapter or chapter 33 of the New York city building code:

10.1. The minimum civil penalty for an immediately hazardous violation of such article or chapter shall be $2,000, in addition to any separate daily penalty imposed pursuant to item 1 of this section; and

10.2. The minimum civil penalty for a major violation of such article or chapter shall be $1,000, in addition to any separate monthly penalty imposed pursuant to item 2 of this section.

11. For (i) a violation of section 28-211.1 or (ii) where a tenant protection plan is required pursuant to section 28-120.1, but has not been submitted to the department, the minimum civil penalty for a first offense shall be no less than $10,000 and, for each subsequent offense, no less than $25,000.

Legislative history: [Local Law 59 of 2016](http://www1.nyc.gov/assets/buildings/local_laws/ll59of2016.pdf), [Local Law 54 of 2016](http://www1.nyc.gov/assets/buildings/local_laws/ll54of2016.pdf), . [Local Law 78 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll78of2017.pdf), [Local Law 94 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll94of2017.pdf), [Local Law 94 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll94of2017.pdf), [Local Law 70 of 2018](https://www1.nyc.gov/assets/buildings/local_laws/ll70of2018.pdf), [Local Law 196 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll196of2017.pdf), [Local Law 250 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll250of2017.pdf), [Local Law 203 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll203of2017.pdf), [Local Law 70 of 2018](https://www1.nyc.gov/assets/buildings/local_laws/ll70of2018.pdf), and [Local Law 118 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll118of2019.pdf).

**§28-203.1 Criminal fines and imprisonment.** Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by criminal fines and imprisonment within the ranges set forth below:

1. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as an immediately hazardous violation shall be guilty of a misdemeanor punishable by (i) a fine of not more than $25,000, or by imprisonment of not more than one year or by both such fine and imprisonment.

2. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as a major violation shall be guilty of a violation punishable by a fine of not more than $10,000, or imprisonment for not more than 15 days or both such fine and imprisonment.

3. Every person convicted of violating a provision of this code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as a lesser violation shall be guilty of a violation punishable by a fine of not more than $500.

**Exceptions:**

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a criminal fine or imprisonment if notice of such violation was issued during the 90-day-period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster.

2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a criminal fine or imprisonment for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or schedule or under evaluation for, work or acquisition through a city operated disaster recovery program responding to such disaster.

3. The owner, lessee, manager or operator of a building shall not be subject to criminal fines or imprisonment for a violation resulting from work done by a city employee or third party under contract with the city, in response to a natural or man-made disaster. This exception shall not apply to immediately hazardous or violations charged as aggravated violations.

4. The minimum fine for an immediately hazardous violation of article 110 of this chapter or chapter 33 of the New York city building code shall be $2,000.

5. The minimum fine for a major violation of article 110 of this chapter or chapter 33 of the New York city building code shall be $1,000.

6. For (i) a violation of section 28-211.1 or (ii) where a tenant protection plan is required pursuant to section 28-120.1, but has not been submitted to the department, the minimum fine shall be no less than $10,000 and, for each subsequent offense, no less than $25,000.

Legislative history: [Local Law 59 of 2016](http://www1.nyc.gov/assets/buildings/local_laws/ll59of2016.pdf), [Local Law 54 of 2016](http://www1.nyc.gov/assets/buildings/local_laws/ll54of2016.pdf), [Local Law 203 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll203of2017.pdf), and [Local Law 118 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll118of2019.pdf).

**2014 General Administrative Provisions – Chapter 3**

**§28-320.1 Definitions.** As used in this article, the following terms shall have the following meanings:

**RENT REGULATED ACCOMMODATION.** The term “rent regulated accommodation” means a building in which more than 35% of dwelling units are required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962.

Legislative history: [Local Law 59 of 2016](http://www1.nyc.gov/assets/buildings/local_laws/ll59of2016.pdf), [Local Law 54 of 2016](http://www1.nyc.gov/assets/buildings/local_laws/ll54of2016.pdf), [Local Law 203 of 2017](http://www1.nyc.gov/assets/buildings/local_laws/ll203of2017.pdf), and [Local Law 118 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll118of2019.pdf).

**§28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years 2024 through 2029.** The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years 2024 through 2029:

1. Utility electricity consumed on the premises of a covered building that is delivered to the building via the electric grid shall be calculated as generating 0.000288962 tCO2e per kilowatt hour or, at the owner’s option, shall be calculated based on time of use in accordance with referenced emissions factors promulgated by rules of the department. The department, in consultation with the office of long term planning and sustainability, shall promulgate rules governing the calculation of greenhouse gas emissions for campus-style electric systems that share on-site generation but make use of the utility distribution system and for buildings that are not connected to the utility distribution system.

2. Natural gas combusted on the premises of a covered building shall be calculated as generating 0.00005311 tCO2e per kbtu.

3. #2 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007421 tCO2e per kbtu.

4. #4 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007529 tCO2e per kbtu.

5. District steam consumed on the premises of a covered building shall be calculated as generating 0.00004493tCO2e per kbtu.

6. The amount of greenhouse gas emissions attributable to natural gas powered fuel cells shall be credited compared to the electricity grid marginal emissions factor that will be determined by the commissioner and promulgated into rules of the department.

**Exception:** Natural gas powered fuel cells that commence operation prior to the later of January 1, 2023 or the promulgation of such rules, shall be credited compared to the electricity grid marginal emissions factor published in the most recent New York state energy research and development authority renewable energy standard program impact evaluation and clean energy standard triennial review; or a successor to such report issued by the New York state energy research and development authority.

7. The amount of greenhouse gas emissions attributable to other energy sources, including but not limited to distributed energy resources, shall be determined by the commissioner and promulgated into rules of the department.

Legislative history: [Local Law 97 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2019.pdf), [Local Law 147 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll147of2019.pdf), and [Local Law 95 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll95of2020.pdf).

**§28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years 2030 through 2034.** For the purposes of calculating the annual building emissions of a covered building in accordance with this section, the amount of greenhouse gas emissions attributed to particular energy sources shall be determined by the commissioner and promulgated into rules of the department by no later than January 1, 2023. The commissioner shall consult with the advisory board required by this article to develop such greenhouse gas coefficients for utility electricity consumption. When developing such coefficients, the commissioner shall consider factors, including but not limited to the best available New York state energy research and development authority and State Energy Plan marginal forecasts for Zone J for the end of the compliance period and beneficial electrification.

Legislative history: [Local Law 97 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2019.pdf), [Local Law 147 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll147of2019.pdf), and [Local Law 95 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll95of2020.pdf).

**§28-320.3.7 Reports to be filed by owner.** By May 1, 2025, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:

1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or

2. Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.

For a report filed on or after May 1, 2026, where a report required to be submitted by May 1 in the prior year indicated that the covered building was not in compliance with the applicable building emissions limit established pursuant to section 28-320.3 in the calendar year covered by such report, but such building is in compliance for the calendar year covered by the report required to be submitted by May 1 in the current year, such report shall describe the methods used to achieve compliance.

Legislative history: [Local Law 97 of 2019](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2019.pdf) and [Local Law 117 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll117of2020.pdf).

**§28-320.3.7.2 Reporting on compliance by the department.** By January 1, 2026, and January 1 of every year thereafter, the office of building energy and emissions performance shall submit to the mayor and speaker of the council a report relating to compliance with this section. Such report shall include, but not be limited to:

1. Beginning with the report due January 1, 2027, the methods used by covered buildings to comply with the building emissions limits established pursuant to section 28-320.3 where such buildings were not in compliance for the report submitted in the previous year, including, as applicable, any retrofitting improvements and purchasing of clean energy, disaggregated by method and by number of buildings; and

2. The total number of buildings in each occupancy group, and the number of buildings in compliance with emissions limits, disaggregated by occupancy group.

Legislative history: [Local Law 117 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll117of2020.pdf).

**§28-320.3.10.1 Additional time for certain covered buildings.** A covered building where at least one dwelling unit is required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962, but that is not a rent regulated accommodation pursuant to this article, may delay compliance with annual building emissions limits until January 1, 2026, and submission of the first report required by section 28-320.3.7 until May 1, 2027.

Legislative history: [Local Law 116 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll116of2020.pdf)

**§28-320.5.1. Reporting on outreach and education.** By June 1, 2021, and by June 1 in every year thereafter, the office of building energy and emissions performance shall submit a report to the mayor and the speaker of the council, detailing the outreach and education efforts made pursuant to section 28-320.5, including, but not limited to information provided about incentive programs and other sources of funding. Such report shall also include the number of staff members working at the office of building energy and emissions performance.

Legislative history: [Local Law 117 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll117of2020.pdf).

**§28-321.1 Definitions.** As used in this article, the following terms shall have the following meanings:

**RENT REGULATED ACCOMODATION.** The term “rent regulated accommodation” means a building in which more than 35% of dwelling units are required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962.

Legislative history: [Local Law 116 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll116of2020.pdf)