NEW YORK CITY · NYC ADMIN. CODE §§ 28-320, 28-321

NYC Local Law 97 Compliance & Mitigation

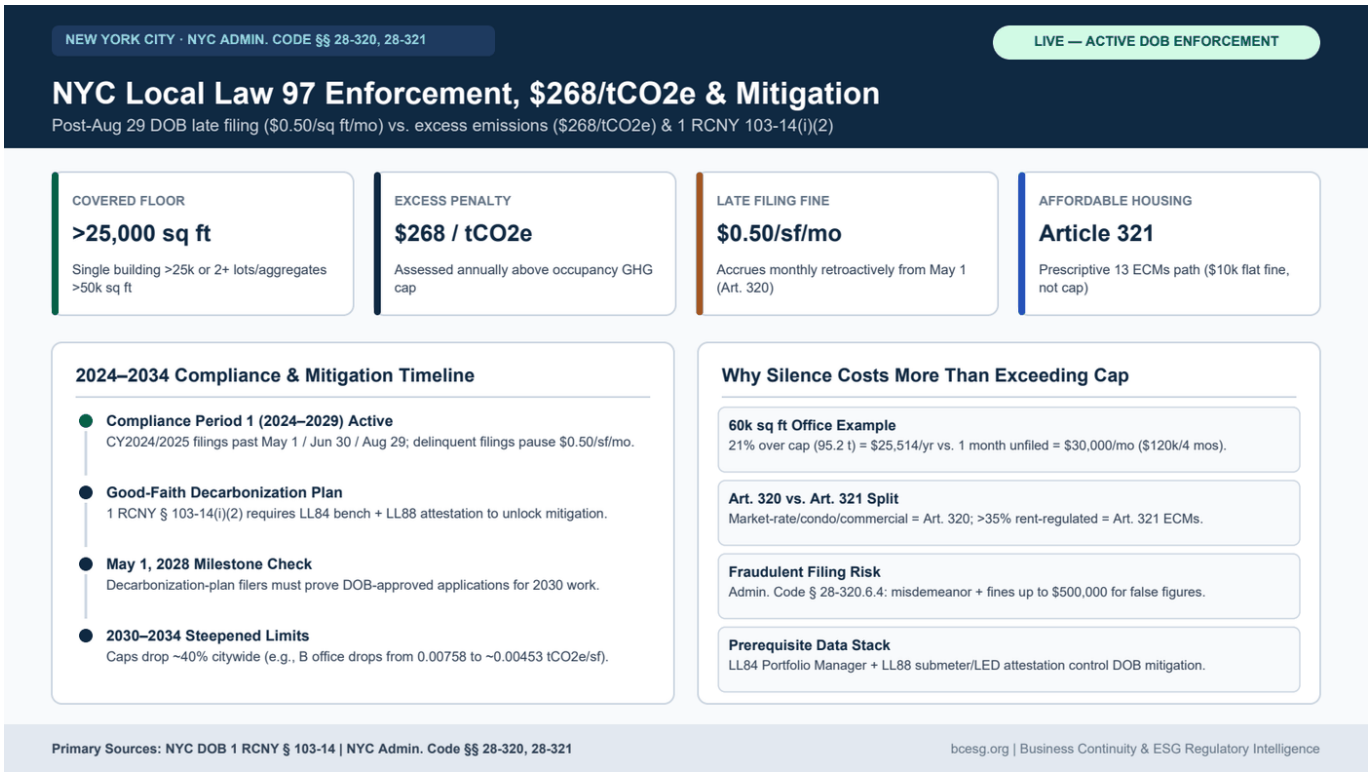
Active DOB enforcement, late-filing penalties, Glen Oaks finality & 1 RCNY § 103-14(i)(2) plans

1. Statutory Scope, Thresholds & Key Dates

Track & Citation	Covered Building Scope	Primary Compliance Metric	Maximum Statutory Penalty
Article 320 (2024–2029)	Commercial, condo & residential <=35% rent-regulated >25k sf	Occupancy GHG limit (e.g., 0.00758 tCO2e/sf Group B)	$268/tCO2e excess + $0.50/sf/mo unfiled
Article 320 Mitigation (1 RCNY § 103-14)	Unmet Cycle 1 Art. 320 w/ LL84 + LL88 + Decarb Plan	No RECs; May 1, 2028 DOB permit proof + 2030 work	Reduced DOB mitigated penalty scale
Article 321 (Affordable)	>35% rent-regulated, NYCHA, Mitchell-Lama >25k sf	One-time 13 Prescriptive ECMs OR meet 2030 limit	$10,000 flat violation (not $268/tCO2e)
Cycle 2 (2030–2034)	All Art. 320 covered parcels >25k sf	Steepened limits (~0.00453 tCO2e/sf Group B office)	$268/tCO2e + stricter false-filing rules

2. Operational Requirements & Enforcement

- **Filing Halts $0.50/sf/mo:** Submitting an RDP-certified LL97 filing immediately stops monthly retroactive late-filing fines running from May 1.
- **Glen Oaks Finality:** NY Court of Appeals upheld LL97 against preemption claims in 2025, cementing permanent DOB enforcement across private assets.
- **Prerequisites Control Mitigation:** Timely LL84 benchmarking and LL88 attestations are statutory preconditions for 1 RCNY § 103-14(i)(2) penalty mitigation.



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NYC Local Law 97 Audit, Extension & Decarbonization Workflow

Step-by-step workflow from utility data verification through filing & compliance proof

Step	Owner / Team	Auditable Deliverable
1. Prerequisite Gate Check	Property / Compliance	Verify LL84 Portfolio Manager acceptance and LL88 attestation on DOB NOW.
2. Art. 320 vs 321 Confirm	Legal / Tax Lot Counsel	Pull DHCR/HPD rent-regulation counts or tax-lot square footage from DOF records.
3. RDP Emissions Audit	Registered Design Prof.	Audit ConEd/National Grid intervals + BBL mapping; file via BEAM/DOB NOW.
4. 2028/2030 CapEx Plan	Engineering / Asset Mgmt	Quantify Cycle 2 40% intensity cliff and lock May 1, 2028 permit schedule if mitigated.

Key Questions & Edge-Case Rules

- **How do NYC Local Law 97 late-filing fines compare to the $268/tCO2e emissions penalty?** Under NYC Admin. Code § 28-320.6, failing to file an LL97 report incurs $0.50 per gross square foot per month starting May 1. For a 60,000 sq ft office moderately above cap, four months unfiled costs $120,000 — nearly five times a full year's $25,514 overage penalty.
- **What does an Article 320 Good-Faith Effort mitigation plan require?** Under 1 RCNY § 103-14(i)(2), owners must demonstrate on-time LL84 benchmarking, LL88 lighting/submetering attestation, and an RDP-stamped Decarbonization Plan with DOB-approved construction applications by May 1, 2028.
- **Is Local Law 97 still facing preemption litigation?** No. In Glen Oaks Village Owners, Inc. v. City of New York (2025), the New York Court of Appeals ruled in the City's favor, confirming New York State's CLCPA did not preempt NYC's local emissions caps.

Primary Sources & Statutory Citations

- NYC DOB — Local Law 97 Greenhouse Gas Emissions Reductions
- NYC DOB Rule 1 RCNY § 103-14 (Implementation & Mitigation PDF)
- NYC Admin. Code § 28-320 (DOB Covered Buildings Guidance)

Canonical Guide: https://bcesg.org/local-law-97-june-30-2026-deadline-file-or-extend/

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