



# NYC BUILDING LOCAL LAW 88 OVERVIEW

NOVEMBER 2024 – EMILY HOFFMAN

**NYC**<sup>™</sup>  
Buildings

# Webinar Overview

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- What is Local Law 88 (Article 310 & 311)?
- Required Sub-meter Installation
- Required Lighting Upgrades
- Reporting Requirements
- Penalties for Non-compliance



# What is Local Law 88 (LL88/132/234)?

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Local law 88 of 2009 (LL88), as amended, requires certain building owners to upgrade lighting systems and install electrical sub-meters in tenant spaces.

- Compliance Deadline: January 1<sup>st</sup>, 2025
- Report Deadline: May 1<sup>st</sup>, 2025



# LL88 – ARTICLE 310 & 311

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- NYC Administrative Code [Article 310](#)
  - Required upgrade of lighting system

## ARTICLE 310 REQUIRED UPGRADE OF LIGHTING SYSTEMS

§28-310.1 **General.** Lighting systems in covered buildings shall be upgraded as provided for in this article.

§28-310.2 **Definitions.** As used in this article, the following terms shall have the following meanings:

**COVERED BUILDING.** As it appears in the records of the department of finance: (i) a building that exceeds 25,000 gross square feet (2323 m<sup>2</sup>), (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet (9290 m<sup>2</sup>) or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet (9290 m<sup>2</sup>).

**Exceptions:** The term “covered building” shall not include:

1. Real property classified as class one pursuant to subdivision 1 of section 1802 of the New York state real property tax law; or
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.

# LL88 – ARTICLE 310 & 311

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- NYC Administrative Code [Article 311](#)
  - Installation of Electrical Sub-meters in Tenant spaces

## ARTICLE 311 INSTALLATION OF ELECTRICAL SUB-METERS IN TENANT SPACES

§28-311.1 **General.** Sub-meters shall be installed in covered buildings as provided in this article.

§28-311.2 **Definitions.** As used in this article, the following terms shall have the following meanings:

**COVERED BUILDING.** As it appears in the records of the department of finance: (i) a building that exceeds 25,000 gross square feet (2323 m<sup>2</sup>), (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet (9290 m<sup>2</sup>).

**Exceptions:** The term “covered building” shall not include:

1. Real property classified as class one pursuant to subdivision one of section eighteen hundred two of the real property tax law; or
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.

# Covered Buildings for LL88

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- Buildings over 25,000 gross square feet.
- Two or more buildings on the same tax lot that together exceed 100,000 gross square feet.
- Two or more condominium buildings governed by the same board of managers, collectively exceeding 100,000 gross square feet.
- Covered buildings exclude *garden-style apartments*

[LL88 Covered Building List](#) (pdf)

[LL88 Covered Building List](#) (excel)



# LL88 – Garden Style Apartment

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If you believe your building is a “**garden style apartment**” please provide:

- BBL and BIN for such building
- Contact information: name, email address and/or telephone number
- Documentation signed and stamped by a registered design professional (RDP) including all of the following information:
  - Documentation demonstrating the covered building is three stories or less.
  - NYC Department of Finance (DOF) tax records classifying the covered building as residential Property Type.
  - Proof of the occupancy group on the Certificate of Occupancy (CO).
  - Provide a statement that no central HVAC or hot-water systems in the covered building serve more than **two dwelling units**.
  - Provide a date stamped picture of the building, within the past year, with a geo-tag.
  - A single letter may cover multiple lots, blocks, or BBLs, as long as they are contiguous and under the same ownership in DOF records.

# Article 310: Required Lighting Upgrades

No later than January 1, 2025, lighting systems in covered buildings shall be in compliance with the [NYCECC](#). Buildings that upgraded lighting systems after July 1, 2010 and complied with the lighting requirements of the NYCECC that was in effect at the time of installation are in compliance.

- Reports due May 1, 2025
- Applies to Residential & Commercial Buildings



# Article 310: Lighting Upgrade Exceptions

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- No lighting system upgrade is required for the lighting system **within dwelling units** classified in occupancy group R-2 or R-3.
- No lighting system upgrade is required for the lighting system within a **space classified in occupancy group A-3 that is within a house of worship**.



# Required Lighting Upgrades

Which NYCECC version should be used?

- The NYCECC that was in effect at the time of installation applies.

Applicable NYC Energy Conservation Code for lighting upgrades required by Article 321  (Also applies to § 28-310.3, exception 1)	Lighting system filed* or otherwise documented as having been installed on or after				
	July 1, 2010	December 28, 2010	January 1, 2015	October 3, 2016	May 12, 2020
<b>2009 NYC Energy Conservation Code ("ECC")</b> <a href="#">Local Law 85 of 2009</a> , based on: - 2007 Energy Conservation Construction Code of NY State ("ECCCNYS") - 2004 International Energy Conservation Code ("IECC") - ASHRAE 90.1-2001					
<b>2011 NYC ECC <a href="#">section 505</a></b> , based on: - 2010 ECCCNYS - 2009 IECC - ASHRAE 90.1-2007					
<b>2014 NYC ECC <a href="#">section C405</a></b> , based on: - 2014 ECCCNYS - 2012 IECC - ASHRAE 90.1-2010					
<b>2016 NYC ECC <a href="#">section C405</a></b> , based on: - 2016 ECCCNYS - 2015 IECC - ASHRAE 90.1-2013					
<b>2020 NYC ECC <a href="#">section C405</a></b> , based on: - 2020 ECCCNYS with NYStretch-2020 supplement - 2018 IECC - ASHRAE 90.1-2016					

# WHAT ARE THE LIGHTING REQUIREMENTS?

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- NYCECC – current version is 2020 NYCECC
  - Requirements:
    - 2020 NYCECC Section C405 or
    - 2020 NYCECC Appendix CA Section 9 (amendments to ASHRAE 90.1-2016)
  - Maximum Lighting Power Density per space type
  - Required controls dependent on space type may include:
    - Occupancy sensors
    - Daylight controls
    - Bi-level lighting controls
    - Time-switch controls
    - Other

# 2020 NYCECC RESOURCES

## ■ 2020 New York City Energy Conservation Code - Lighting & Electrical Power

### OCCUPANT SENSOR CONTROLS\*

#### ■ Where Required

- Occupant sensor controls are required in spaces including: classrooms, conference rooms, copy rooms, lounges/ break rooms, enclosed offices, open plan offices, restrooms, storage rooms, locker rooms, warehouse storage areas, janitor closets, corridors/transition areas, cafeteria/fast food dining areas, egress illumination (stairways, exit access), and other spaces  $\leq 300$  sf.
- Light fixture layout plans, fixture schedules, and the controls narrative must clearly identify the location of occupant-sensor-controlled light fixtures and the connected sensor/control devices.

C405.2.1  
Table 9.6.1

#### ■ Occupant Sensor (OS) Control Function (NOT for Open Plan Offices, Cafeteria and Fast Food Dining Areas $\geq 300$ sf)

- **Automatic-Off:** Drawings must specify that occupant sensor controlled luminaires are *automatically turned off within 15 minutes* of all occupants leaving the space.
- **Manual-On or Maximum 50% Automatic-On:** Lights turned off by occupant sensor controls must be either *manually on*, or controlled to be *automatically on maximum 50%* of the lighting power in the space.
- **Manual-On ONLY:** Lights turned off by occupant sensor controls must be *only manually on* – i.e., max. 50% automatic-on is *not* allowed – in the following spaces: classrooms, conference/meeting rooms, employee break rooms, and offices < 200 sf. The sensors and controls in these spaces must *not* have an override switch that converts *from manual-on to automatic-on* functionality.
- **Full Automatic-On:** Only in the following spaces, occupant sensors with full automatic-on are allowed: open plan offices, public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the building occupants.
- **Manual Control to Turn Off:** Occupant-sensor-controlled luminaires must also be equipped with manual controls that allow occupants to turn lights off.

C405.2.1.1  
9.4.1.1.b  
9.4.1.1.c

# Article 311: Required Sub-meter Installation

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No later than January 1, 2025, the electrical consumption of each covered tenant space shall be measured by one or more sub-meters. Reports due May 1, 2025.

- Tenants or subtenants within a covered tenant space with sub-meter(s) to measure electrical consumption must receive monthly statements as outlined in Article 311.

## **Covered tenant spaces:**

- larger than 5,000 gross square feet on one or more floors rented to the same person or
- a floor larger than 5,000 gross square feet consisting of tenant spaces rented to different people.

# Article 311: Sub-meter Installation Exceptions

- No sub-meter installation is required for *dwelling units* classified in occupancy group R-2 or R-3.
- No sub-meter installation is required for a covered tenant space where the electrical consumption for that space is measured by a meter dedicated exclusively to that space.



# LL88 Filing Requirements

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Owners will be required to pay a \$115 filing fee to submit LL88 reports **by May 1, 2025**. The \$115 filing fee includes both lighting and submetering compliance reports.

For buildings that are filing LL97 reports in 2025, there is *no additional filing fee for LL88 reports*.

Report submission for LL88 compliance will occur in the BEAM platform per building (“BIN”), not by lot (“BBL”)

BEAM platform is the reporting portal for LL88 & LL97.



# Article 310 - Reporting Requirements

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## Article 310 – Required Upgrade of Lighting Systems

- **Attestation of compliance**, certifying that the lighting system of the entire building has been inspected and upgrades have been implemented in accordance with the law. (See below)

Attestations of compliance **must** be completed by one of the following professionals:

- Registered Design Professional (PE or RA, licensed in NY)
- Licensed Master Electrician
- Licensed Special Electrician

# Article 311 - Reporting Requirements

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Article 311 – Installation of Electrical Sub-Meters in Tenant Spaces

- **Attestation of compliance**, certifying that electrical sub-meters have been installed for all covered tenant spaces in accordance with the law. (See below)
- **List of all covered tenant spaces**
- **Sample monthly statement** from each tenant or sub-meter, in accordance with section 28-311.4. Note that this statement(s) will be uploaded directly into BEAM

Attestations of compliance **must** be completed by one of the following professionals:

- Registered Design Professional (PE or RA, licensed in NY)
- Licensed Master Electrician
- Licensed Special Electrician

# Penalties for Non-compliance

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- **Lighting upgrade violations:** \$1,500 annual fine until compliance is met.
- **Sub-metering violations:** \$1,500 annual fine for not filing, plus \$500 for each tenant space without a sub-meter, until compliance is met.



# LL88 FAQ - Penalties

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Can I just pay the penalty instead of filing a LL88 compliance report?

LL88 penalties will be issued on an annual basis until compliance is demonstrated.

LL97 Good Faith Effort pathways require compliance with LL88.



# LL88 FAQ - Penalties

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Will owners be penalized if the LL88 work is not complete by Dec 31st but will be before the May 1st submission deadline?

DOB will not penalize a building for the date of completion if:

- the work is indeed completed **and**
- the compliance report is submitted on time.



# LL88 FAQ - Extensions

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## Can owners file extensions for the LL88 May 1st submission deadline?

- LL88 reports are due 5/1/2025.
- Buildings that are also submitting a LL97 report in 2025, the LL88 report may be submitted with the 97 report.
- Buildings that are not submitting a LL97 report in 2025 may not file an extension.
- For example, if a building receives an extension to file the LL97 report, DOB will not penalize a building for failure to submit a LL88 report until the new deadline for the LL97 report.
- If the LL88 report is not submitted by the extension deadline for the LL97 report, DOB will deem that as failure to file and issue \$3500+ penalty (\$1500 failure to file lighting upgrades, \$1500 failure to file submetering requirements, \$500 for each submeter not installed in covered tenant space).

# LL88 FAQ – Covered Tenant Spaces

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The LL88 covered building is residential with no covered tenant spaces. What is required in the Article 311 submetering report to comply with LL88?

- For buildings with no covered tenant spaces, the following is required:
- **Attestation of compliance**, certifying that there are no covered tenant spaces in a building, by RDP, Licensed Master Electrician or Special Electrician



# LL88 FAQ – Residential Buildings

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## Are residential buildings required to comply with LL88?

- Yes, residential buildings are subject to LL88, as long as the buildings meet the definition of a covered building under the law, with a few exceptions:
- For the upgrade of lighting systems – dwelling units are exempt
- For the submetering requirement – dwelling units are exempt



# LL88 FAQ – Historic Buildings

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## Are Historic Buildings required to comply with LL88?

- Historic buildings are not exempt from LL88
- Historic buildings that are listed or eligible for listing on the NYS or National Historic Register are exempt from the requirements in the Energy Code
- Requirements for reporting:
- Article 310 (lighting): Demonstration that the building is listed or eligible for listing on the NYS or National Historic Register
- Article 311 (submetering): same requirements as non-historic buildings



# LL88 FAQ – Landmarked Buildings

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## Are NYC Landmarked buildings required to comply with LL88?

- NYC Landmarked buildings are not exempt from LL88
- Landmarked buildings that are **not** listed or eligible for listing on the NYS or National Historic Register are required to comply with the lighting requirements in the Energy Code
- Requirements for reporting:
- Article 310 (lighting): same requirements as non-landmarked buildings
- Article 311 (submetering): same requirements as non-landmarked buildings



# LL88 FAQ – Specialized Lighting Requirements

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## Are buildings with specialized lighting requirements, like museums or healthcare facilities, required to comply with LL88?

- Covered buildings with specialized lighting requirements, such as museums, must comply with LL88 lighting and submetering requirements
- The NYCECC does not require certain lighting systems to be included in calculating total connected lighting power – some examples include:
  - *Display lighting for exhibits in galleries, museums that is in addition to general lighting and controlled by an independent control device*
  - *Task lighting for medical purposes that is in addition to general lighting and controlled by an independent control device*

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  - *Display lighting for exhibits in galleries, museums that is in addition to general lighting and controlled by an independent control device*
  - *Task lighting for medical purposes that is in addition to general lighting and controlled by an independent control device*

# LL88 FAQ – Requirements for Commercial Buildings

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Are all tenant spaces in commercial buildings required to comply with LL88? Or just the tenant spaces over 5,000 sq.ft.?

- Covered buildings that contain multiple tenants are required to comply with LL88 requirements
- The lighting must be upgraded throughout the entire building, even in tenant spaces less than 5,000 sqft
- The submetering requirements only apply to ‘covered tenant spaces’



# PDH QUESTIONS

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- • What is a covered building with respect to LL88?
- • Who can do the work to submit a report for LL88?
- • When does the work need to be completed by for LL88?
- • When is the report for LL88 due?
- • How will a building report for LL88?

An aerial photograph of a dense urban skyline, likely New York City, with a semi-transparent blue overlay covering most of the image. The word "QUESTIONS?" is written in white, serif font across the middle of the image.

QUESTIONS?

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