

BENCHMARKING

Local Law 84

Overview

Benchmarking energy and water use allows owners, tenants and operators to better understand how their buildings are performing. By requiring annual benchmarking for certain city-owned and large privately-owned buildings, this law will give building owners and potential buyers a better understanding of a building's energy and water consumption, eventually shifting the market towards increasingly efficient, high-performing buildings.

Applicability & Exemptions

Building Type	Required to Benchmark	Exemption
City Buildings	<ul style="list-style-type: none">▪ Buildings 10,000 gross square feet or more that are owned by the city or for which the city regularly pays all or part of the annual energy bills	<ul style="list-style-type: none">▪ Buildings owned by the city 50,000 gross square feet or less participating in an HPD program
Commercial and Mixed-Use Buildings	<ul style="list-style-type: none">▪ Building 50,000 gross square feet or more▪ Two or more buildings on the same tax lot that together exceed 100,000 gross square feet▪ 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	
Residential Buildings	<ul style="list-style-type: none">▪ Building 50,000 gross square feet or more, OR▪ Two or more buildings on the same tax lot that together exceed 100,000 gross square feet, OR▪ 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	<ul style="list-style-type: none">▪ Residential property classified as class one in section 1802, subdivision one of the real property tax law, including:<ul style="list-style-type: none">○ 1, 2, and 3 family homes○ Condos and Co-ops with no more than 3 dwelling units

Requirements

CITY BUILDINGS must be benchmarked using the EPA's Portfolio Manager tool by May 1, 2010, with annual benchmarking to be completed by May 1st of each subsequent year. The Department of Citywide Administrative Services (DCAS) will oversee Benchmarking for energy use and by the Department of Environmental Protection (DEP) for water use. City buildings with automatic water meter reading equipment installed for less than a year are not required to undergo benchmarking for water use in that year.

COMMERCIAL, MIXED-USE AND RESIDENTIAL BUILDINGS must be benchmarked using the EPA's Portfolio Manager tool by May 1, 2011, with annual benchmarking to be completed by May 1st of each subsequent year. Buildings without DEP-provided automatic water meter reading equipment, or with such equipment installed for less than a year, are not required to undergo benchmarking for water use in that year.

COMMERCIAL and MIXED-USE BUILDINGS with commercial tenant spaces must request data on the tenant's metered energy use where the tenant space is separately metered by the utility company.

Timeline

CITY BUILDINGS must benchmark the previous calendar year by May 1, 2010, and every May 1st thereafter.

COMMERCIAL, MIXED-USE and RESIDENTIAL BUILDINGS must benchmark the previous calendar year by May 1, 2011, and every May 1st thereafter.

The Department of Finance will post information generated by Portfolio Manager on its website according to the following timeline:

- City Buildings – by September 1, 2011 and every September 1st thereafter
- Non-residential Buildings – by September 1, 2012 and every September 1st thereafter
- Residential Buildings – by September 1, 2013 and every September 1st thereafter

Compliance

Benchmarking for energy use may be performed by the owner or an owner's representative in consultation with the building's operating staff. When benchmarking is completed, the results must be reported to the Department of Finance electronically using the submission report generated Portfolio Manager.

For water use, benchmarking results will be uploaded by the Department of Environmental Protection for all buildings equipped by the DEP with automatic water meters for the full previous year.