



Local Law 92 of 2019 and Local Law 94 of 2019: New roofs and green roof systems or solar panels - by William Gati

November 19, 2019 - Spotlights

I am writing this article to inform all readers about Local Law 92 of 2019 and Local Law 94 of 2019, which took effect November 15th, 2019, and mandate that all new roofs be partially or fully covered in green roof systems or solar panels. Most of the article was taken from the DOB web site.

Beginning November 15th, 2019, all new filings for New Building (NB) and Alterations with horizontal or vertical enlargements in the Buildings Information System (BIS) will receive a new Required Item on Doc 01 prior to plan approval. Applicants will be required to submit a new Local Law 92/94 of 2019 Solar and Green Roof Systems form certifying their compliance with Local Laws 92 and 94 prior to plan approval.

All NB and Alteration with enlargement filings that have not been approved by the Department (i.e., Doc 01 has not reached K or P status) by November 14th at 3 p.m. will also receive the new Required Item. The new Local Law 92/94 of 2019 Solar and Green Roof Systems form, and a Buildings Bulletin providing more details about how to comply with Local Laws 92 and 94, will be available on the Department's website prior to November 15th, 2019.

Local Laws 92 and 94 of 2019 (LL 92/2019, LL 94/2019), effective November 15th, 2019, amend the 2014 Administrative Code and Chapter 15 of the New York City Building Code to require, subject to certain exceptions, new buildings, new roofs resulting from enlargement of existing buildings, and existing buildings replacing an entire existing roof deck or roof assembly to be provided with a "sustainable roofing zone," 100% of which must be a solar photovoltaic electricity generating system, a green roof system, or a combination thereof.

Projects with construction documents approved on or after November 15th, 2019 are subject to the requirements of LL 92 and 94 of 2019, unless the construction documents have attained BIS job status K (plan exam partial approval) prior to such date.

Areas to be included in sustainable roofing zone

Roofs at every level shall be provided with a sustainable roofing zone pursuant to LL 92 and 94. Each contiguous roof area shall be evaluated individually and be provided with either a green roof system or a solar photovoltaic electricity generating system, or combination thereof. No roof area, unless specifically excluded per subsection C of section II of the bulletin, is exempt from these requirements.

Installation

The installation of solar photovoltaic systems shall be in accordance with the 2014 NYC Building Code Section 1511, the NYC Electrical Code, and the NYC Fire Code Section 512 and 504, the New York City Zoning Resolution and other applicable laws and rules.

Installation of green roof systems shall be in accordance with 2014 NYC Building Code Section 1507.16, the NYC Electrical Code, and the NYC Fire Code Sections 318 and 504, the New York City Zoning Resolution and other applicable laws and rules.

Zoning

Solar energy systems and vegetated roofs (with certain limitations) are permitted obstructions within required open space, yards, courts, and height and setbacks subject to regulations of the Zoning Resolution. Refer to the Zoning Resolution for specific limitations.

Historic Structures

For historic buildings subject to the jurisdiction of the Landmarks Preservation Commission (LPC), replacement of an entire existing roof deck or roof assembly would trigger the requirements of LL 92 and 94, and a sustainable roofing zone shall be provided. The proposed work must be approved by the LPC, prior to DOB permit approval.

New York State Property Tax Abatement

Projects with a sustainable roofing zone that choose to pursue the New York State Property Tax Abatement (PTA) for solar and green roof installations, shall also comply with the qualifying requirements as defined by the respective PTA programs.

Solar and green roof projects pursuing a solar or green roof PTA must be filed online through the HUB Full Service using Professional Certification of Objections, as a separate Alteration Type-2 application using the PTA4 form for solar installations, and PTA3 form for green roof installations.

For more information including property tax abatements for green roofs and solar photovoltaic energy generating systems, please visit <https://www1.nyc.gov/site/buildings/industry/sustainability/page>. For specific questions about the filing process, please email constructioncodes@buildings.nyc.gov. If you would like us to file your new building or alteration applications, please email me at wgati@architecturestudio.com.

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