



Green Infrastructure on Private Properties Outreach & Education  
**Summary of Laws, Regulations and Incentives**

**Laws**

**Local Law 92/94 of 2019**

All new buildings and alterations of existing buildings where the entire existing roof deck or roof assembly is being replaced must provide a sustainable roofing zone covering 100% of the roof.

A “sustainable roofing zone” is defined by these laws as “areas of a roof assembly where a solar photovoltaic electricity generating system, a green roof system, or a combination thereof, is installed.”

**Local Law 92 defines what a roof area is.** There are three roof “types” defined:

1. For continuous roof area *greater* than 200 square feet (100 square feet or more in Group R<sup>1</sup> buildings up to five stories), and a slope below 2:12
  - A solar system, green roof, or a combination of both, must be installed.
  - If the solar power capacity cannot reach 4 kW due to conditions like shading, a green roof is the only option.
  - A minimum solar panel efficiency of 15% must be used for all calculations.
2. For continuous roof area of *less* than 200 square feet (less than 100 square feet in Group R buildings up to five stories), and a slope below 2:12
  - A solar system reaching 4 kW must cover the entire area
  - If solar capacity cannot be reached, the entire area must be covered by a green roof
  - A combination of a solar PV system and green roof is not allowed
3. Continuous roof area with a slope higher than 2:12
  - A solar PV system is the only option because the slope is too great for a green roof
  - However, if a solar capacity of 4 kW cannot be reached, that roof section is exempt from LL92/94

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<sup>1</sup> Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for dwelling or sleeping purposes when not classified as Institutional Group I. Buildings containing three or more dwelling units shall be subject to the New York State Multiple Dwelling Law. Residential occupancies shall be classified as Group R-1, R-2, or R-3.



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### Local Law 94 defines exemptions.

The requirements of this law apply to all new roof installations in the city and are based on the square footage of “continuous” or available space on the roof. In some cases, a roof or sections of a roof may be exempt from the requirements of these laws. Here are some exceptions:

- If the slope of the roof is greater than 2:12 *and* a solar system would not reach a capacity of 4 kW
- Too much of the roof area is occupied by other structures such as water towers, mechanical equipment, or stormwater management systems
- The roof is already occupied by recreational spaces
- If you’re making simple repairs to your roof, rather than replacing it altogether

Reference:

<https://brooklynsolarworks.com/blog/nyc-local-law-92-and-94/#:~:text=94%20in%20NYC%3F-,NYC%20Local%20Law%2092%20and%2094%20are%20a%20pair%20of,requirements%20for%20this%20specific%20mandate.>

### Useful Links

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FAQ from the Mayor’s Office of Sustainability

<https://be-exchange.org/wp-content/uploads/2019/10/20191001-LL92.94-Sustainable-Roofs.pdf>

Policy brief by the Urban Green Council

<https://www.urbangreencouncil.org/wp-content/uploads/2022/11/2019.12.12-Sustainable-Roof-Laws-Brief.pdf>

NYC.GOV Dept. of Buildings BUILDINGS NEWS:

[https://www.nyc.gov/assets/buildings/newsletters/DOB\\_BN\\_LL92-94\\_111519.html#:~:text=Effective%20today%2C%20November%2015%2C%202019,100%20percent%20of%20the%20roof.](https://www.nyc.gov/assets/buildings/newsletters/DOB_BN_LL92-94_111519.html#:~:text=Effective%20today%2C%20November%2015%2C%202019,100%20percent%20of%20the%20roof.)

NYC Houses & Buildings:

<https://portal.311.nyc.gov/kacategory/?id=311-11>


NEW YORK ENGINEERS:

<https://www.ny-engineers.com/blog/local-laws-92-and-94-of-2019-a-practical-guide>



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[www.soilandwater.nyc](http://www.soilandwater.nyc)

 Local Law 92.pdf &  Local Law 94.pdf

**For more information, contact:**

Building Energy Exchange

212.349.3900

[info@be-exchange.org](mailto:info@be-exchange.org)

Monday - Friday, 9AM - 5PM

NYC Department of Buildings

[greenroofandsolar@buildings.nyc.gov](mailto:greenroofandsolar@buildings.nyc.gov)

Your City Council Member

To find your City Council Member, go to: <https://council.nyc.gov/districts/>



## Regulations

### Yard Planting Zoning Regulation

The front yard planting regulations are applicable to buildings in R1 through R5 districts. To ensure an equitable and proportionate distribution of planted areas, minimum standards for the amount of plantings and the dimensions for planted areas are based on the width of the zoning lot.

Buildings built **after April 30, 2008** in these zoning districts are required to install planting areas. Buildings built prior to April 30, 2008 may not alter the yard in such a way that the yard becomes non-compliant. If your house was built in 2007 and your yard is 90% paved, you do not need to create a planting area. However, when you resurface, alter or renovate your yard, you will need to comply with the requirement..

#### Brief summary of R1 through R5 zoning districts

Zoning	Description
R1	Leafy, low-density neighborhoods of large, single-family detached homes on spacious lots. Found in Fieldston.
R2	Limited exclusively to single-family detached houses. Smaller lot area and higher density than R1.
R3	Lowest density districts that allow semi-detached one- and two-family residences, as well as detached homes.
R4	Allow all types of housing at a slightly higher density than permitted in R3 districts.
R5	Allow a variety of housing at a higher density than permitted in R3 and R4 districts.



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### Front Yard Planting Requirement

Street frontage of zoning lot	Percentage of front yard (minimum) to be planted
Less than 20 feet	20
20 to 34 feet	25
35 to 59 feet	30
60 feet or greater	50

### Useful Links

Planting Requirement

<https://zr.planning.nyc.gov/article-ii/chapter-3/23-451>

NYC Residence Districts Guide

<https://www.nyc.gov/site/planning/zoning/districts-tools/r1.page>

Rules for Special Areas

<https://www.nyc.gov/site/planning/zoning/districts-tools/streetscape-improvements.page>

Enforcement of Zoning Regulations

<https://www.nyc.gov/site/planning/zoning/about-how-is-zoning-enforced.page>

#### For more information, contact:

NYC Buildings Department

212.566.5000

Web inquiry form: <https://a810-efiling.nyc.gov/eRenewal/dobNowHelp.jsp>

Find a borough office for the NYC Buildings Department

<https://www.nyc.gov/site/buildings/dob/office-locations.page>



## Incentives

### Green Roof Tax Abatement program

A property tax abatement for properties that install green roofs on greater 50% of the roof area.

- The tax abatement is equal to \$5.23 per square foot of green roof space.
- The total abatement is capped at \$200,000. If the annual tax liability is less than this amount, the remaining amount may be applied to subsequent years. However the abatement must be applied within five years.
- Properties in the “priority community districts” receive a higher abatement at \$15.00 per square foot of green roof space.
- Buildings receiving another property tax abatement are not eligible for this program.
- Green roof growing media depths of 2” in non-priority districts and 4” in priority districts are required.
- Because of the sunset clause in the law, the deadline to apply for the current abatement program was **March 15th, 2023**.
- The State legislature may be amending this program and extending the deadline during the 2023 legislative session.

#### Priority Community Districts

Borough	Priority Community Districts
Bronx	1, 2, 3, 4, 5, 6, 11
Brooklyn	3, 4, 5, 8, 9, 16, 17
Manhattan`	10

#### Useful Links

Green Roof Tax Abatement (NYC Department of Finance)

<https://www.nyc.gov/site/finance/benefits/landlords-green-roof.page#:~:text=The%20tax%20abatement%20is%20equal,the%20building%20that%20tax%20year.>



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NYC Department of Buildings Green Roof Tax Abatement Program Guide

[https://www.nyc.gov/assets/buildings/pdf/green\\_roof\\_tax\\_abatement\\_info.pdf](https://www.nyc.gov/assets/buildings/pdf/green_roof_tax_abatement_info.pdf)

**For more information, contact:**

NYC Department of Finance (webform)

<https://www.nyc.gov/site/finance/about/contact-by-email/contact-solar-greenroof.page>



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## **DEP Resilient NYC Partners program**

DEP's Resilient NYC Partners program funds the design and construction of site-level green infrastructure, such as rain gardens, subsurface storage, and permeable pavements, on private properties of 50,000 SF or more with lots of impervious area.

The program provides an opportunity for large property owners to improve their property through projects like:

- Building rain gardens
- Fixing drainage issues and reducing ponding
- Resurfacing or replacing pavement
- Building subsurface stormwater storage

### Eligibility Criteria

- Private properties are eligible for this funding. Certain public properties are also eligible, such as non-City owned properties, including those owned by public universities (excluding CUNY owned properties) or state and federal agencies, as well as City-owned properties that have long-term leases with private entities with ten (10) or more years remaining on the lease.
- Minimum Property Size: Through this initial phase of the program, properties that are at least 50,000 square feet and have large areas of impervious surfaces are eligible.
- Drainage Area: Private properties where stormwater drains to either the City's combined or separate sewers are eligible for the program.

### How it works

1. Assessment. DEP will schedule a site visit with you to better understand your property to tailor a project that fits your needs.
2. Planning & Review. DEP will develop detailed plans for your review. Together, we will refine and finalize your project.
3. Scheduling & Approvals. DEP will work with you to make a construction plan and obtain permits.
4. Construction. DEP will build it! Construction typically lasts 4–6 weeks. Contact us at [info@resilientpartners.nyc](mailto:info@resilientpartners.nyc) to start the process.





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## Useful Links

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Resilient NYC Partners

<https://www.nyc.gov/site/dep/whats-new/resilient-nyc-partners.page>

Informational Flyer

<https://www.nyc.gov/assets/dep/downloads/pdf/whats-new/programs-initiatives/resilient-nyc-partners-about.pdf>

### **For more information, contact:**

DEP Resilient NYC Partners Program

[info@resilientpartners.nyc](mailto:info@resilientpartners.nyc)



## DEP Green Infrastructure Grant program

DEP offers green roof retrofit funding for private property owners in New York City. The goal is to incentivize private property owners to retrofit their roofs with green roofs to manage stormwater runoff.

### Grant Application

DEP accepts applications on a rolling basis. Private property owners interested in applying must download and complete the [Pre-Application Form](#) and submit it to [gigrantprogram@dep.nyc.gov](mailto:gigrantprogram@dep.nyc.gov). Application materials will be provided to potential grantees once a pre-application meeting between the private property owner and DEP is held.

Note: DEP is no longer accepting applications through the online portal.

### Green Roof Projects

Green roof projects will undergo an advanced schematic, 75%, and 100% design review process with a two-week review time for each phase. Funding for green roofs is determined by green roof area (GRA) and soil depth. The minimum project amount must be \$50,000. The schedule below outlines the maximum reimbursement rate for green roof projects. Projects below the minimum criteria, 1.5" soil depth and 5,000 SF, are not eligible for grant funding.

#### Reimbursement Rates (\$/SF) for Green Roof Projects

Soil Depth (in.)	5,000-20,000 (SF)*
1.5-1.99	\$10
2.0-2.99	\$15
3.0-3.99	\$25
4.0+	\$30

\* The reimbursement rate for SF of planted area over 20,000 SF is calculated using 50% of the rate shown above



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[www.soilandwater.nyc](http://www.soilandwater.nyc)

## Useful Links

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DEP Green Infrastructure Grants

<https://www.nyc.gov/site/dep/water/green-infrastructure-grant-program.page>

DEP Green Infrastructure Program

<https://www.nyc.gov/site/dep/water/green-infrastructure.page>

### **For more information, contact:**

NYC DEP Green Infrastructure Grant Program

[gigrantprogram@dep.nyc.gov](mailto:gigrantprogram@dep.nyc.gov)