New York State’s Green Building Tax Credit

Craig Kneeland
Senior Project Manager
New York State Energy Research and Development Authority
History of Green Building Tax Credit

• Income tax credit to promote green design and maintenance practices
• 1995: Asher Derman, Barry Dimson, Richard Farren, Bob Fox, Ashok Gupta, Val Lehr, Dan Tishman, Adrian Tuluca
• Real Estate industry, environmentalists, architects, engineers, business people, government
• NRDC/REBNY
• To Legislature in 1998 and 1999
History of Green Building Tax Credit

- Tradable credits
- No cap
- Erika & Bill V.
- Legislation passed May 15, 2000
- Regulations promulgated May 22, 2002
- Applications accepted September 30, 2002
What It Is

- $25 million income tax credit
- Program life of nine years
- Tax credit for applicant spread out equally over five years
- “High but commercially reasonable standards”
Eligible Building Types

- Multiple dwelling (permanent and transient occupancy, seniors, adult residential care)
- Business
- Mercantile (display and sale of goods, wares, merchandise)
- Assembly (amusement, civic, dining, patriotic, political, religious, social, sports)
- Institutional
Where The Money Is

- Base building: 5% of allowable costs, up to $7.50/sf
- Tenant space: 5% of allowable costs, up to $3.75/sf
- Whole building: 7% of allowable costs, up to $10.50/sf (base building) & $5.25 (tenant space)
- Economic Development Zone: additional 1% for each category
Where More Money Is

Fuel cells
- 30% of installed cost
- Cap of $1,000/kW of DC-rated capacity

• Photovoltaics
- 100% of incremental cost of BIPV
- 25% of cost of non-BIPV
- Cap of $3/W of DC-rated capacity

• Refrigerants
- 10% of equipment cost
- Non-ozone depleting or R-123 for two years
Basic Criteria

- Energy
- Indoor Air Quality
- Materials
- Commissioning
- Water conservation
- Appliances
Sources of Regulations

- Existing standards:
  - ASHRAE - ASTM
  - CA DOH - CARB, BAARB, SCAQM
  - CMHC - CRI
  - Green Seal - IARC
  - NADCA - NFPA
  - NY Energy Law - SMACNA
  - UL - USEPA
Differences with LEED

• Prescriptive requirements

• Energy performance: Btu vs. cost; specific target

• IAQ management plan during construction

• IAQ measurements

• IAQ management plan for O&M
Differences with LEED, cont’d

• Commissioning (base building mechanical components, IAQ systems that affect mechanical ventilation, e.g.: monitoring systems)

• Compliance certified by architect or engineer

• Record Keeping (e.g.: energy usage, IAQ test results, PV and fuel cell performance)
Process for developing proposed draft regulations

• RFP for contractor selection
• Advisory Committee: public and private sector, upstate and downstate representation
• Consensus of Advisory Committee not required
• Monthly meetings to review contractor submittals
• Meetings open to public; participation pre-approved
• Advisory Committee liaised with interested parties throughout state
Firsts

• First Green Building Tax Credit in country

• First time regulations developed by multiple agencies using processes described in this presentation

• One of first times regulations developed with input from affected parties
Ancillary Impacts

- Use of legislation by other states
- Executive Order 111: Green and Clean State Buildings and Vehicles
- Redevelopment of World Trade Center
- Commissioning specifications for DASNY, NYCTA, SUCF et al.
- LEED products
- Green Guide For Health Care: www.gghc.org
Greatest Challenges

- Time
- Energy modeling
- IAQ measurements
- Queuing
- Refrigerants
- Consistent standards (eg: ASTM ratings)
- RFCI lawsuit
Opportunities for Improvement
(identified by Advisory Committee et al.)

- Increase available funding
- Eliminate IAQ testing; retain IAQ Management Plan for O&M
- Broaden eligible building sizes and types
- Eliminate incentive for green refrigerants
- More detail and training for certifications
- Monitor long-term performance of buildings
Current Status

- Regulations promulgated 5/22/02
- Applications accepted beginning 9/30/02
- $25 million committed 12/31/04
- Additional $25 million provided in ‘05-’06 budget
- Regulations for energy, appliances, and materials reviewed and updated every two years
- Recommendation re establishment of permanent Green Building Tax Credit
- For more info: [www.nyserda.org](http://www.nyserda.org), search on Green Buildings