

# ANDERSON KILL CO-OP, CONDO & REAL ESTATE ADVISOR



## Multi-Family Conservation Program Compliance Deadline

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The Multi-Family Conservation Program (MCP) is a flat-rate-per-unit water billing program for buildings with four or more residential units. For buildings currently enrolled in the pro-

gram, the NYC Department of Environmental Protection (DEP) has issued a December 31, 2018, deadline for participants to certify compliance with its conservation efficiency standards. Buildings can certify compliance by submitting an MCP application, otherwise the DEP will assess an annual 10% surcharge against the building's water bill.

There are three requirements that must be met in order to comply with MCP conservation efficiency standards.

The first requirement is that water-saving toilets, showerheads and faucets must be installed in at least 70% of all units in the building. That means that for fixtures installed prior to July 1, 2012, toilets must run on 1.6 gallons per flush and showerheads and faucets must flow at 2.5 gallons per minute. For

fixtures installed on or after July 1, 2012, toilets must run on 1.28 gallons per flush and showerheads and faucets must flow at 2 gallons per minute. If you are unsure whether your building has the requisite water-saving fixtures, you can request a one-time water survey to be performed by a DEP contractor, free of charge. The DEP contractor will perform a water survey on a sample of apartments and then prepare a written report on the findings. If your building does not meet the 70% threshold, the noncompliant fixtures will need to be replaced. For a limited time, the DEP does have a Toilet Replacement Program that offers a \$125 voucher per high-efficiency toilet, which can be redeemed with qualified suppliers.

The second requirement is that all commercial units with high water usage must be separately metered and charged based on actual water consumption. A commercial unit is categorized as "high use" if it consumes more than 63,000 gallons a year, as do many laundromats and food-, beverage- and health-related businesses. Buildings with high-use commercial tenants will need to hire a licensed plumbing company to obtain

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a permit and install a separate commercial meter in order to comply. But buildings with no commercial tenants or low-consumption commercial tenants do not need to worry about this requirement.

The third and final requirement is that water meters be equipped with an automated meter reading (AMR) device. If your building is metered but does not have an AMR box, you can request to have one installed by the DEP's Bureau of Customer Services.

The DEP also offers the Flat Rate Comparison Tool through its My DEP Account, which allows customers to find out whether

consumption-based metered billing or MCP flat-rate billing is more favorable. If a building wants to convert from metered billing to MCP flat-rate billing, the building must meet the three MCP conservation efficiency requirements and not be delinquent in its water and sewer payments. If a building converted from MCP flat-rate billing to metered billing, it cannot convert back to the MCP for at least two years.

For further information on compliance with MCP conservation efficiency requirements or which water billing method works best for you, Anderson Kill is here to help. ▲

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