



**NEW YORK CITY DEPARTMENT OF BUILDINGS  
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON ENVIRONMENTAL PROTECTION  
SUBCOMMITTEE ON CAPITAL BUDGET  
APRIL 5, 2021**

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Good morning Chair Constantinides, Chair Rosenthal, and members of the Committee on Environmental Protection and Subcommittee on Capital Budget. I am Melanie E. La Rocca, Commissioner of the New York City Department of Buildings (“the Department”). I am joined today by Gina Bocra, the Department’s Chief Sustainability Officer, and Anthony Fiore, Chief Energy Management Officer for the City and Deputy Commissioner for Energy Management at the Department of Citywide Administrative Services (“DCAS”). We are pleased to be here to discuss the City’s implementation of Local Law 97.

Thank you for holding this important hearing today. With Earth Day just a few days away, this is a good reminder of the work that still needs to be done to tackle global warming. I would also like to thank Chair Constantinides for being a great partner in the fight against climate change. Local Law 97, which is part of the historic Climate Mobilization Act passed by this City Council in 2019, requires the City’s largest buildings to reduce their greenhouse gas emissions starting in 2024. Buildings are the largest source of greenhouse gas emissions in New York City and this law supports the City’s goal of achieving carbon neutrality. While 2024 is still a few years away, the Department has already started its work to fulfill its obligation to address greenhouse gas emissions coming from buildings.

The Department established the Climate Advisory Board in late 2019, which includes appointments made by the Mayor and the Speaker of the City Council, and which is chaired by our Chief Sustainability Officer. The Advisory Board is tasked with providing the Department

with guidance as it works to implement Local Law 97. Advisory Board members are architects, engineers, property owners, representatives from the business sector and public utilities, environmental justice advocates, and tenant advocates. Last year, to supplement the work of the Advisory Board, the Department also established eight Climate Working Groups, many of which have already started to meet, to help develop best practices for building owners to comply with Local Law 97. To date, the Advisory Board and Working Groups have met over 100 times, and will continue to meet weekly this year. We thank our Advisory Board and Working Group members for their important contributions to this initiative.

While the Department's primary focus has been the Advisory Board and Working Group process, we have also started promulgating rules, which must be in place before 2023. This includes rules that allow the owners of covered buildings that are significantly over their emissions limits and the owners of not for profit hospitals and healthcare facilities to apply to the Department for an adjustment to their applicable emissions limits. These rules are now final and will go into effect shortly, which will allow the Department to begin accepting applications for the adjustments program as early as next week. The Department has already begun conducting direct outreach to owners who could take advantage of this program, which includes sharing information about the adjustments program and how to apply.

The Department is also educating building owners of their obligations under Local Law 97 and will continue to work to educate owners leading up to 2024. To date, the Department has updated its website to provide information to owners about the requirements of Local Law 97 and has established a dedicated email address to field inquiries from owners. We are using the inquiries we receive to develop additional resources we can use to educate owners, which will include a website dedicated to Local Law 97. We are also informing new building applicants of their obligations under this law when they submit plans to the Department so that they can start planning to reduce greenhouse gas emissions from the very beginning of their construction projects. This work will continue through 2024 and beyond as the Department makes additional progress in its implementation of Local Law 97.

Moreover, City government continues to lead the way. Local Law 97 requires City government to go further and faster than the private sector. City government is required to achieve a 40 percent reduction in emissions by 2025, and a 50 percent reduction in emissions by 2030. In contrast, full private sector compliance is expected to yield approximately a 40 percent reduction by 2030. DCAS serves as the central hub for energy management across all City agencies and manages a \$3 billion 10-year capital plan to develop and implement programs to achieve the City's long-term 80 percent emissions reduction mandate and carbon neutrality goal by 2050. Since 2014, DCAS has invested more than \$600 million in approximately 8,000 energy conservation measures across 1,600 buildings, comprising more than 50 percent of City government's building square footage. By all measures these investments are paying off. The investments have decreased energy use by about 2.3 million MMBtus or about as much energy as used by 188,000 City residences, avoided more than \$80 million in annual energy costs, and reduced emissions by about 220,000 metric tons, the equivalent of removing 48,000 cars from the road. All said, City government has reduced greenhouse gas emissions by 23 percent, compared to 15 percent for the private sector, and is on its way to achieving both the near-term mandates of Local Law 97 and the longer-term reductions climate science tells are required to avoid the most catastrophic impacts of climate change.

Thank you for the opportunity to testify before you today. We welcome any questions you may have.



**Testimony on Local Law 97**  
**Submitted to the City Council Committee on Environmental Protection**  
**April 5, 2021**

Good morning Chair Constantinides and members of the Committee.

My name is Josephine Zurica. I am Principal at Dagher Engineering and Vice Chair of the American Council of Engineering Companies of New York's (ACEC New York) Energy Code Committee, on whose behalf I am appearing today. Members of our Committee are licensed professional engineers serving on a volunteer basis to analyze City laws and proposals that affect or relate to consulting engineering work. Thank you for the opportunity to testify today.

ACEC New York represents close to 300 engineering and affiliate firms throughout New York State, with a concentrated presence in New York City. Our members plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems for the City's buildings and infrastructure.

ACEC New York has been supportive of the intent of Local Law 97 since its first draft as Intro 1253, and has been active in providing comments, testimony, and technical insight from the drafting of the bill throughout. Since passage of the legislation in April of 2019, ACEC New York and our member firms have closely monitored implementation of the law. We offer the following comments.

First, we would like to stress the need for dedicated resources within DOB. Two years after its historic passage, LL97 remains some of the most ambitious legislation of its kind, and as a result will be one of the most challenging to successfully implement. ACEC New York members sit on both the Advisory Board and Working Groups charged with assisting DOB in implementation. LL97 charges the advisory board to issue a report and recommendations in less than two years from now. There is a concern that at the current pace of rulemaking and implementation; there remain too many unknowns for design teams, consultants and building owners to properly react and start implementing the real changes and improvements that are needed for LL97 to ultimately be a success. We strongly recommend further attention to implementation of law.

Second, the implementation must tackle some of the very complicated questions and nuances of the law that have existed since its early form including Building Occupancy Groups. ACEC New York's view is that the DOB Building Occupancy Classification system is an inappropriate way to set limits as it ignores too many necessary indicators of energy and carbon usage within a building. Specifically, the DOB Occupancy is not nuanced enough to recognize different energy intensities in how different usage types, occupancy densities, operating schedules and other factors affect the carbon consumption within the same Occupancy Class. We recommend the Energy Star building classification as a more appropriate way to categorize and set limits. This system, nationally recognized and currently utilized in the City's benchmarking law, is a more appropriate way to classify the type of building and resulting energy and carbon intensity.

We urge further attention and focus be put towards the implementation and rulemaking of this very important bill to address the above concerns.

ACEC New York is committed to providing what we believe is the best professional judgment of the licensed professional engineers who volunteer time to thoroughly analyze City proposals and policies including Local Law 97. We continue to offer to make these professionals available to you as you work through these important issues. If you have questions or would like to discuss these comments with representatives of our Energy Code Committee, please let us know.

**For further information please contact:**

Hannah O'Grady  
Senior Vice President, ACEC New York  
8 West 38 Street, Ste 1101, New York, NY 10018  
P: 212-682-6336  
hannah@acecny.org

Bill Murray  
NYC Director of Government Relations, ACEC New York  
bill@acecny.org



50 Broadway, 29th Floor  
New York, NY 10004  
T 212 631 0886  
F 888 370 3085  
www.ALIGNny.org

## Public Hearing on Local Law 97

April 5<sup>th</sup>, 2021

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Jonathan Westin  
*Executive Director,  
New York Communities for  
Change*

Thank you for the opportunity to provide testimony on this important issue. My name is Lynda Nguyen and I am the Senior Research and Policy Analyst at ALIGN: The Alliance for a Greater New York. ALIGN is a longstanding alliance of community, labor, and environmental justice organizations dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

After Hurricane Sandy, ALIGN brought together over 50 local community groups working on the frontlines of both environmental and economic injustice to form the Climate Works for All Coalition. After almost six years of organizing, the coalition successfully led the passing of Local Law 97 in 2019-- New York City's landmark climate legislation that would require the City to reduce greenhouse gas emissions by 80 percent by 2050. It's been two years since this historic win, and now the City must focus its efforts to equitably and swiftly implement LL 97.

**Reducing energy consumption is key to reducing emissions**, especially with building systems that use carbon-intensive fuels. Buildings are responsible for 70 percent of the City's greenhouse gas emissions. In fact, a recent [OneNYC](#) report found greenhouse gas emissions actually increased between 2017 and 2019.

**Buildings can reduce emissions with existing technology.** A 2019 study published by [U.S. Department of Energy](#) found that a combination of aggressive energy efficiency improvements, electrifying systems, and renewable energy generation are necessary to meet the City's 80x50 goals. Research also shows retrofitting steam systems in buildings larger than 5,000 square feet could [reduce carbon emissions by 26 percent](#), and cut fuel consumption by 19 percent.

**The fair and equitable implementation of LL 97 is crucial to advance New York City's climate and economic recovery goals.** Environmental Justice communities, affordable housing, and NYCHA buildings must be prioritized during implementation. Further, trading mechanisms that harm Environmental Justice communities and reduce emissions reductions - such as RECs - should be limited and addressed by the Advisory Board during the rulemaking process.

**We project LL 97 will create more than 40,000 green jobs** and has the potential to [expand the annual retrofit market to \\$20 billion](#)-- that's 13 times larger than today's market. If the City is serious about protecting its residents and ensuring a robust economic recovery, labor standards must be prioritized during implementation. It is up to the City to ensure community hiring practices and project labor standards are enforced. Staffing for LL 97 implementation must happen now, and must go towards public jobs.

The City must prioritize investments and job creation strategies for the communities that have been hit the hardest by both climate change and the COVID-19 crisis, especially as we transition into a new administration. It is critical that the City continues its efforts to address racial inequities, create good union jobs, and fight climate change by implementing Local Law 97.

Thank you.



April 5, 2021

## **AIA New York Committee on Environmental Protection and Subcommittee on Capital Budget Testimony**

Thank you, Chairs Constantinides and Rosenthal for holding this hearing today. I am Adam Roberts, the Director of Policy for the American Institute of Architects New York, also known as AIA New York. We represent New York City's public- and private-sector architects.

AIA New York has and will continue to be a strong supporter of Local Law 97 (LL97). However, we fear that a lack of city resources will hamper the law's effective enforcement. Without effective enforcement, New York City will fail to combat climate change and the inequality in living and working conditions, while also missing out on an opportunity to provide much-needed jobs in the design and construction industries.

Most urgently, the city must commit to properly funding the Office of Building Energy and Emissions Performance, which is housed within the Department of Buildings. The office is severely understaffed, with only a handful of staffers overseeing compliance for thousands of the city's largest buildings, potentially allowing unscrupulous owners to skirt requirements. Furthermore, the staff shortage complicates the office's ability to take on further responsibilities and initiatives related to compliance with LL97, such as providing education on sustainable design techniques.

The city should also invest further in those agencies that oversee capital works, as they are integral in ensuring that city buildings comply with the law's provisions. While the Mayor has finally relented and allowed the design of public projects to restart after a yearlong halt, city buildings are nonetheless a year behind schedule on compliance. Additional funding is needed to ensure the Department of Design and Construction and other agencies can pay for the work and are sufficiently staffed to oversee this significant increase in retrofits.

We have already seen that a lack of funding has decreased confidence in the ability of the city to effectively enforce the law. It is fortunate that the State Legislature is not moving forward with the Governor's proposal to undermine LL97 by allowing the purchase of renewable energy credits. Yet, significant concerns remain among lawmakers about whether the law is enforceable. The best way for the city to rebut these concerns is to properly fund those city agencies who oversee its enforcement.

Lastly, the New York City Council must ensure that fines for non-compliance are high enough to incentivize retrofitting. We remain concerned that, without sufficiently high fines, owners will consider LL97's fines a "cost of doing business" in New York City, and will thereby not move forward with retrofitting their buildings.

Again, thank you to for holding this important hearing today. We hope the city council will heed our warnings and ensure that the city has the resources to enforce this essential legislation.

The American Institute of Architects

AIA New York  
536 LaGuardia Place  
New York, NY 10012

T (212) 683 0023

F (212) 696 5022

[www.aiany.org](http://www.aiany.org)

Testimony by 350NYC.org in Support of New York City Council Local Law 97  
Oversight – Local Law 97 of 2019  
Committee on Environmental Protection Jointly with the Subcommittee on Capital Budget  
April 5, 2021

Hello, my name is Marcia Annenberg and I am a member of 350NYC.org, affiliated with the International climate group 350.org. We advocate for policies that serve to eliminate and draw down greenhouse gas from the atmosphere. We are here today to add our voice to the strong coalition of activists in NYC that is adamant, that Local Law 97 be implemented without delay and the projects necessary to be completed in 2021-22 are fully funded.

The question we must ask ourselves here at this time and in this place is whether we believe that the Earth is in a state of emergency. In 2019, 11,000 scientists from 165 countries signed a letter saying that we are on the verge of a calamity. Unfortunately, we are the last generation and the only generation tasked with saving the Earth from runaway global warming. We didn't ask for this responsibility, but nonetheless it is ours.

Data has shown that buildings generate 70% of the greenhouse gas emitted from New York City. That is a fact. This must be reduced by 40% by 2030. We can remember when Hurricane Sandy struck Lower Manhattan - our subway tunnels were submerged, Bellevue Hospital and NYU Langone lost electricity, water rushed into the buildings and basements of Lower Manhattan. That wasn't an aberration.

Our polar ice caps are melting. They are not going to stop melting. The sea level will continue to rise. The storm surge from Sandy was a historic 13.88 feet. What if the storm surge comes up to 34<sup>th</sup> street next time? What will the landlords do then? Who will save them? How many water pumps will they need? The question, then, isn't whether to upgrade their buildings. The question is – how fast can they be upgraded? If LL 97 is implemented, NYC buildings emissions will be reduced by 80%. There is no more time to wait.

Like the greatest generation of World War II, tasked with defeating Hitler, it is our task to make the world safe for our children and grandchildren, instead of inheriting a planet beset by drought, wildfires, torrential rain and species extinction.

Sincerely,  
Marcia Annenberg



## **Council of New York Cooperatives & Condominiums**

**TESTIMONY TO THE NEW YORK CITY COUNCIL  
COMMITTEE ON ENVIRONMENTAL PROTECTION  
AND SUBCOMMITTEE ON CAPITAL BUDGET  
April 5<sup>th</sup>, 2021**

Comments on LL97 Oversight Hearing

The Council of New York Cooperatives & Condominiums (CNYC Inc.) is a membership organization providing information, education and advocacy for housing cooperatives and condominiums located throughout the five boroughs of New York City and beyond. More than 170,000 New York families make their homes in CNYC member buildings, which span the full economic spectrum from very modest, income-restricted housing to solid middle class apartment complexes to upscale dwellings. The shareholders and unit owners who make their homes in New York cooperatives and condominiums are not only the owners of their buildings, they are also the neighbors who embody their communities and comprise their buildings' governing bodies. CNYC has long represented the interests of these home owners helping them understand new laws with which they must comply and seeking new ways to help them keep their homes in the best and safest condition possible.

To this end, I have participated in many task forces and working groups. I currently serve on both the Multi-Family and Communications Working Groups of the Local Law 97 Advisory Commission. I have been very impressed with the dedication of staff and with the sterling qualifications of my volunteer colleagues, all of whom are committed to honing the requirements necessary to chart our path to carbon neutrality. I also believe that more time and expertise must be invested in the work of the Advisory Commission in order to present a clear and workable plan for New York's diverse array of property owners.

As an advocate for resident owners in housing cooperatives and condominiums, I don't believe that fines and penalties are the best way to accomplish our shared goals for a cleaner future. Initiatives like the Retrofit Accelerator, grants and low cost loans, and lots of good information will be far more effective strategies for ensuring that resident-owned cooperatives and condominiums participate fully and effectively.



## **Council of New York Cooperatives & Condominiums**

Chair Rosenthal's legislation seeking detailed documentation of the progress that the City is making in improving energy savings and carbon reduction in city housing is another good step in the right direction: the City should lead by example.

Several of the speakers at this hearing presenting testimony on behalf of their firms or their organizations spoke of the need for more granularity in categorizing buildings for 2024 and 2029 compliance requirements. Population density is an important factor influencing energy use: in social justice communities, modest apartments may be the home of large, intergenerational families, while in a similar building in a different location, the same-sized apartment may house a small family or seniors who spend part of the year in other locations. It is both unfair and regressive to impose the same carbon reduction or energy requirements on these two buildings.

Similarly, desirable tenants with exceptionally high energy use – such as a grocery store with multiple freezers – could be deemed undesirable because their operational needs would skew energy consumption data for the entire building. Again, this calculus could unfairly penalize social justice communities which need essential businesses in order to thrive. CNYC would strongly support all efforts to more fairly and accurately address the actual circumstances of buildings when setting expectations for their ability to reduce their carbon footprint.

We thank you for holding this informative hearing. We also wish Chair Constantinides the very best in his future endeavors.

Thank you for the opportunity to express our view.

Mary Ann Rothman  
Executive Director  
Council of New York Cooperatives & Condominiums (CNYC)



462 36th Street 3<sup>rd</sup> Floor  
Brooklyn, NY 11232 NYC-EJA.org

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On the ground – and at the table

## **Testimony of Carlos Garcia Energy Planner**

### **New York City Environmental Justice Alliance**

New York City Council Committee on Environmental Protection  
Oversight – Local Law 97 of 2019

April 5<sup>th</sup>, 2021

Good morning, Chairperson Constantinides and members Diaz, Gennaro, Levin, Menchaca, and Ulrich. My name is Carlos Garcia, and on behalf of the New York City Environmental Justice Alliance (NYC-EJA), I am here to testify in support of a complete and equitable implementation of Local Law 97.

Founded in 1991, NYC-EJA is a non-profit city-wide membership network linking 11 grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice.

NYC-EJA has a long history in the fight to develop renewable energy in New York City and State. From its instrumental role in passing the state's Climate Leadership and Community Protection Act to leadership in passing Local Law 97 through the Climate Works for All Coalition. NYC-EJA has always prioritized New York's fight for environmental justice over expediency or "the easy route."

Following the passing of Local Law 97, NYC-EJA has remained a constant presence in its implementation process, from being an advisory group member to our active participation in the technical advisory committee tasked with researching the viability of a building-level carbon

trading compliance mechanism. Throughout this process, NYC-EJA has and continues to advocate for Local Law 97's equitable implementation, projected to reduce New York City building emissions by 80%. We continue to be concerned about false solutions and loopholes that will weaken the energy efficiency mandate, including building carbon trading, carbon offsets, unchecked renewable energy credits (RECs), and even building level carbon capture technologies.

By equitably enacting Local Law 97, New York City will help create more than 40,000 clean energy jobs that will not only help reduce harmful localized pollution levels in Environmental Justice communities but will also provide the City of New York the opportunity to establish labor standards throughout the Law's implementation to help out-of-work New Yorkers the help they so desperately need.

NYC-EJA promises to continue to help provide feedback and direction to the City of New York to ensure that the City's economic recovery from COVID-19 will help the city transition from polluting infrastructure to a cleaner economy through a Just Transition framework.

I would like to extend our gratitude for allowing NYC-EJA to play such a crucial role in the formation and development of New York City's energy policies and we look forward to continuing to be an ally to those who join us in our fight for environmental justice.

James McDermott  
Clay Avenue  
Bronx, NY 10457  
718-909-3813, [jpmcde@gmail.com](mailto:jpmcde@gmail.com)  
March 23, 2021

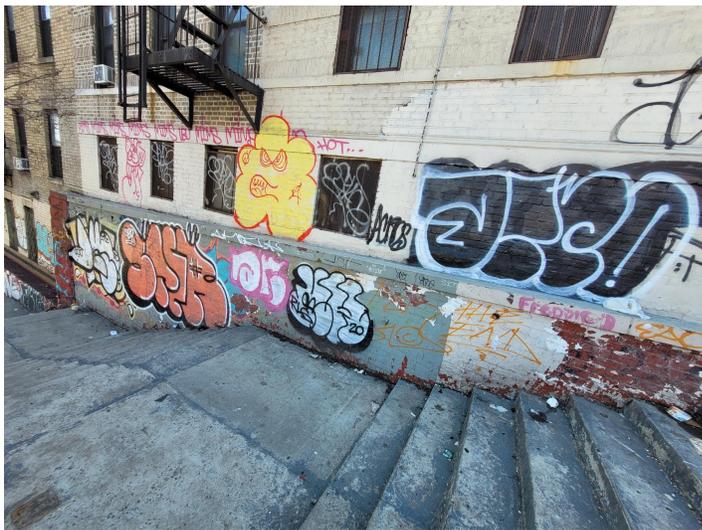
NYC City Council  
Re: Graffiti Explosion

Dear City Council,

From the NYC 311 website, we learn that...

“The Graffiti Free NYC graffiti removal program for residential and commercial buildings has been suspended indefinitely so the City can devote resources to essential needs. Requests for free graffiti removal on residential and commercial buildings are not being accepted until further notice and open requests have been canceled.”

So what are we supposed to do about this?



All of this “art” created since the onset of the pandemic. These steps are DOT property and so maybe a portion of this wall qualifies for removal but you can be sure that the building owners are not interested in addressing this problem. As a result, the wall opposite this on the other side of the Cross Bronx is being populated with graffiti. I reported that to the Parks department since that’s their property. But between this and the disgusting increase in trash being disposed of here, this neighborhood is tanking badly.

If you’re TRYING to orchestrate a return to the crime and decay 80’s, you’re doing a good job. If not, please consider the message this communicates to our community, the increase in crime and dumping associated with uncared for areas, and the aesthetic of a neighborhood trying to escape poverty, and reinstitute the Graffiti Free NYC program before we start experiencing the associated effects even more.

Thank you,

James McDermott

**Testimony of New York Communities for Change to the NYC Council Environmental Protection Committee**

April 5th, 2021

Hi, my name is Pete Sikora. I am with NYCC and also a member of the city's Local Law 97 Advisory Board.

Local Law 97 is a monumental achievement that you should be very proud of. The climate crisis is indeed an existential crisis for our city. It's no hyperbole. It's also an opportunity to create tens of thousands of good jobs in design, renovation and construction and slash air pollution.

That's what Local Law 97 is on track to do. It is the first law in the world by any city to set specific limits on climate-heating pollution from buildings, which are the top source of pollution in cities. And cities are about 70% of the world's pollution.

Thank you for taking action at the scale of the crisis. NYC is leading the world among municipalities, thanks to Local Law 97.

We want to particularly thank Chair Constantinides. His years of work will be an incredible legacy. We also thank Speaker Johnson, who also stood up for what's right. The Mayor also deserves real credit.

The de Blasio administration has appointed a deeply-knowlegeable, talented and extremely hard-working staff to implement the law. The new office you created in the Department of Buildings is in good hands.

BUT: the city has to fund the office properly. They need baseline staff lines. OMB took back some of the money needed amidst the hiring freeze. That was penny wise and pound foolish.

It's vital that you and the Administration allocate proper baseline funding in this budget. The city is in a deep economic crisis. This law will generate many thousands of jobs to help the city rebound from COVID. Implementing this law is complex. It requires adequate staffing. Right now, the office is slightly below the levels of staff needed. More specialized staff are needed.

This is infinitesimally small money in the city's budget. We're talking about a handful of staff lines needed right now as the office grows to about a couple dozen people by 2024 when the law's first pollution limits take hold.

While it's just a handful of staff lines, these staff will return in vastly greater economic value. They are needed to give clear guidance to building owners to implement the law.

Please fund the office in the budget.

The Administration is also adding funding to the City's Accelerator. They're doing a roughly \$10 million per year contract to create educational programs. That's about the right level of funding needed. It's important those programs are effective to reach building owners, property managers, contractors and other constituencies.

We also want to highlight that the real estate lobby is trying to gut the law. Most recently, they tried to pass language in the state budget to allow the unlimited use of Tier 2 Renewable Energy Credits (RECs) in place of the law's current requirements. Letting big real estate companies buy up cheap RECs instead of upgrading their polluting properties and thereby creating jobs to slash pollution by reducing their energy use would be an enormous mistake. It'd be like the Church in the dark ages letting a rich noble buy an indulgence.

Thankfully, with your help, this proposal looks like it is defeated and will not make the final budget. Nonetheless, we expect the industry's lobby to continue to spread disinformation. In reality, Local Law 97's requirements are reasonable and appropriate.

While the industry wants the law weakened, it should be strengthened. In particular, the law's loopholes for 80/20 buildings and any building with a Section 8 tenant should be removed. Those provisions make no sense and are a giveaway. They should be closed. In addition, the use of Renewable Energy Credits that the law does allow should be capped and offsets eliminated. We also support bringing up the effective date for the 2030 requirements to 2027.

But that's for the future. In the right now, it's vital to continue your good work and ensure the law rolls out smoothly. We urge you to raise the number of baselines for the Office of Building Energy and Emissions Performance, which is led by capable leaders who are delivering for our city's future.

Again, thank you for delivering this monumental achievement. Let's keep it going.



**Testimony of Carlos Castell Croke  
Associate for NYC Programs  
New York League of Conservation Voters**

**City Council Committee on Environmental Protection  
Hearing on LL97 Budget  
April 5, 2021**

Good afternoon, my name is Carlos Castell Croke and I am the Associate for New York City Programs at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chairs Constantinides and Rosenthal for the opportunity to testify today.

During Mayor de Blasio's first term, his administration set many ambitious goals to fight climate change including reducing emissions 80% by 2050. In the years since, we have only seen incremental steps towards meeting these goals. Throughout this time, NYLCV has maintained that the single largest step the City can take to meet 80x50 is by drastically reducing emissions from buildings. The buildings sector in New York City accounts for a whopping two thirds of our total emissions. Thankfully, the building emission reduction targets set by Local Law 97 of 2019 (LL97) will ensure that roughly twenty thousand buildings in the residential and commercial sectors do their part to fight climate change. These new standards put us on a path to reach 80x50.

However, NYLCV understands the work is just beginning. Ensuring the law is properly implemented, provides a clear and achievable regulatory framework, and adequate enforcement and investment are critical next steps.

The Office of Building Energy and Emission Performance (OBEEP) will be responsible for these next steps and therefore must be fully staffed and funded. Previously, NYLCV estimated that OBEEP would require \$2M in the FY20 budget and the City should incrementally increase that to \$20M in the FY25 budget to ensure that they have the necessary resources for the first year of regulatory enforcement. We are concerned that

OBEEP is currently understaffed when it comes to tackling LL97 implementation, and furthermore could see additional cuts due to the COVID-19 budget crisis. We ask that the City Council fully fund OBEEP so that it can effectively implement LL97 and help us drastically reduce emissions from the building sector.

We also recognize that the working groups created by LL97 to make recommendations on implementation are meeting regularly, and we urge the City to shepherd these groups through their work and issue preliminary regulations as expeditiously as possible so that building owners have as long of a lead time as possible to come into compliance with the law's requirements.

Finally, we urge the Mayor to commit publicly to redirect all noncompliance penalties once LL97 has taken effect to energy efficiency retrofits in affordable housing, which is for the most part exempt from LL97 but no less in need of retrofitting.

Thank you for the opportunity to testify today.

**Public Testimony by the New York State Nurses Association  
(Part of the Climate Works for All Coalition)  
Environmental Protection Committee and  
Subcommittee on Capital Budget  
April 5, 2021**

Nella Pineda-Marcon, BSN, RN-BC  
Mount Sinai Morningside and Mount Sinai West  
Director at Large; Chair of the Climate Justice and Disaster Relief Committee

Good afternoon everyone. My name is Nella Pineda-Marcon and I work as a nurse at Mount Sinai Morningside and Mount Sinai West. I am also a proud union member of the New York State Nurses Association. I serve as a Director at Large and am Chair of our Climate Justice and Disaster Relief Committee. NYSNA represents 43,000 nurses across New York State, including 25,000 RNs in New York City. This includes nurses in all of the city's public hospitals.

As nurses on the frontlines of patient care we have seen up close the horrors of the COVID-19 pandemic. Almost 32,000 people in New York City have died and countless others have been left wounded, physically and emotionally. We have seen the deep impact that the pandemic has had on low income communities of color. The disparities are all encompassing, affecting marginalized communities physically, mentally and economically. We know that this is just a preview of what lay ahead if we do not take climate change seriously. It is critical that we heed the warning.

In fact, we have already seen the destruction that climate change and environmental degradation has had on the health of our patients. Increases in heat have contributed to an increase in hypertension. Pollutants are being discharged into our city air, causing a steady increase in chronic asthma conditions in our most vulnerable communities. In addition, these communities also face environmental

injustices like contaminated water supplies and tainted soil. They are also the ones that are usually hit the hardest by catastrophic events such as Superstorm Sandy. This is not OK.

Let me clear, the New York State Nurses Association is 100% in support of a fossil fuel free city. We should be doing everything that we can to speed that reality along. We need to move ahead quickly like our house is on fire because **it is!**

We are proud members of the Climate Works for All coalition, a coalition of unions, climate and environmental justice organization and advocacy groups. We fought hard to ensure that Local Law 97 was enacted and now is not the time to slow down in its implementation. Although the pandemic brought a lot of things to a screeching halt, buildings are still emitting incredibly harmful carbon emissions. Local Law 97 will cut down on emissions, create good, green jobs and create environmental justice equity.

Environmental justice is always a key priority for us. Marginalized Black and brown frontline communities often bear the brunt of harmful pollution. Local Law 97 will dramatically reduce these pollutants and will eventually reduce all covered NYC building emissions by 80%. We must limit the use of harmful trading mechanisms such as Renewable Energy Credits that ultimately harm Environmental Justice communities.

We have an opportunity with Local Law 97 to create 40,000 good, green jobs for New Yorkers. We urge this body to commit to prioritizing labor standards throughout its implementations. We must start staffing up regardless of any hiring freezes. These should be public jobs and include the hiring of city workers. If we can roll this out with all of these critical pieces in place, we can ensure that Local Law 97 isn't just saving our planet, but it is doing so in the most equitable way possible. A real economic recovery is on the horizon and we are confident that implementing Local Law 97 in the ways that we have outlined will only help to spur this on.

Thank you for your time and consideration today.



**Urban Green Council Testimony  
Before the New York City Council Committee on Environmental Protection and the  
Subcommittee on Capital Budget  
Re: Oversight of Local Law 97 of 2019**

**April 5, 2021**

Dear Chair Constantinides, Chair Rosenthal and committee members:

My name is Chris Halfnight and I am Associate Director of Policy at Urban Green Council. Urban Green is an environmental non-profit organization dedicated to transforming buildings for a sustainable future in New York City and around the world.

We offer three recommendations related to oversight of Local Law 97 of 2019:

**1. Increase funding for implementation through the Office of Building Energy and Emissions Performance**

Local Law 97 has the potential to drive [billions of dollars](#) of investment in New York City buildings, which will bring important benefits like lower pollution, lower utility bills, and greater health and comfort for New Yorkers. Successful implementation of the law depends in large part on adequate funding for the dedicated team at the Department of Buildings Office of Building Energy and Emissions Performance (OBEEP).

In January, Urban Green joined a letter with many other organizations to advocate for increased funding for Local Law 97 implementation. The OBEEP is doing an excellent job with limited resources, but we remain concerned that the office's staff and funding aren't consistent with the tasks at hand, including developing many of the law's highly technical details, facilitating a large advisory board process, driving outreach and education, and eventually managing compliance and enforcement.

The OBEEP leadership is best placed to speak to detailed budgetary needs, but we support increased staffing and dedicated funding for technical analyses to advance the work of the OBEEP and the Local Law 97 Advisory Board. The relatively small sums required will repay

many times over by driving successful compliance, climate progress, job creation and economic development as New York City recovers from the COVID-19 crisis.

## **2. Ensure the City leads by example by electrifying public buildings**

Over 40 percent of citywide carbon emissions come from burning fossil fuels for heat and hot water in buildings. To reach our 2050 climate targets, we'll need to retrofit many of these buildings to replace fossil fuel systems with highly efficient electric systems. The multifamily sector poses the biggest challenge to this electrification transition, with barriers including technical knowledge gaps, high costs, potential tenant impacts and regulatory unknowns.

As recommended in Urban Green's recent report [Going Electric](#), the City can help jumpstart progress on electrification with its own buildings as it upgrades its stock to meet Local Law 97 targets. Specifically, we urge the City to:

- Fund a small number of electrification demonstration projects in City buildings, potentially by better integrating heat pump retrofits in the City's Deep Energy Retrofit Program;
- Focus on building types relevant to the residential sector, like shelters, senior care and other buildings with overnight occupancy;
- Prioritize buildings in environmental justice areas; and
- Publish project information, including costs and lessons learned, to spread know-how and catalyze action in the private sector.

## **3. Explore a new Local Law 97 compliance option to fund energy efficiency and electrification in affordable housing**

In the wake of recent efforts to expand renewable energy credit compliance options, Urban Green [joined with a number of other organizations](#) to call for City-led exploration of a better approach to provide flexibility: a new compliance option for building owners to pay into a fund that would deliver approved energy efficiency and electrification upgrades that otherwise might not occur in specified types of affordable housing.

Many details need to be worked out with input from a wide range of stakeholders. But this approach would shift focus from a grid-centered compliance option to one that would drive investment in NYC buildings in disadvantaged communities, while achieving the law's carbon targets and providing greater local benefits. It would strengthen the law and help ensure that it meets our climate objectives in a practical and equitable manner.

We urge City government to explore this compliance option, through a working group under the Local Law 97 Advisory Board or otherwise.

Lastly, Urban Green also supports the [bill](#) to require reporting on the City's capital projects. This reporting would bring much greater visibility to capital planning for carbon reductions from City government operations, improving transparency, accountability and knowledge-sharing with the private sector.

Thank you for the opportunity to comment at this hearing.

**CONTACT:**

Chris Halfnight  
Associate Director, Policy  
Urban Green Council  
212.514.9385  
[ch@urbangreencouncil.org](mailto:ch@urbangreencouncil.org)



Testimony of Martha Sickles  
Principal, Urbecon LLC  
Heat/Cool Smart Brooklyn

New York City Council Committee on Environmental Protection  
Oversight-Local Law 97 of 2019  
April 5, 2021

Thank you for the opportunity to speak on the implementation and oversight of LL97, the cornerstone of NYC' Climate Mobilization Act. Many thanks to Chairperson Constantinides for stellar environmental leadership including passage of this groundbreaking legislation designed to influence the reduction of greenhouse gas emissions in many of NYC's buildings 80% by 2050. I am the principal of Urbecon LLC, working with Heat/Cool Smart Brooklyn as well as with utility programs serving multifamily buildings.

Heat/Cool Smart Brooklyn is a NYSERDA funded local Clean Heating and Cooling Campaign sponsored by NYC 2030 District and the Brooklyn Borough President's Office and led by professionals long engaged in reducing carbon in NYC's building stock. We promote electrification of buildings not covered by LL97 that also must reduce emissions to meet the City's climate goals. This work emphasizes the importance and challenge of educating and engaging building owners, residents and tenants in realizing NYC's climate goals. Our work shows that the type of projects and level of investment to adapt building systems to meet the increasing carbon reduction goals requires considerable lead time to plan for most effective and efficient implementation. To facilitate this longer term planning and phasing of work necessary to improve building envelopes and electrification, the City must quickly fill the information, outreach and education gaps.

We suggest the City revise and expand its energy outreach strategy, "Retrofit Accelerator", funding local community groups to carry out these functions and build local engagement and implementation capacity and knowledge bases, especially in environmental justice communities and with low and moderate income households. The CLCPA requires 40% of state funding for energy reduction programs to be expended in LMI communities and households requiring enhanced engagement strategies.

LL97 can propel the creation of cleaner and healthier buildings and communities, 40,000 green jobs and an economic engine to further green industry in New York City. To be effective, the city must:

Adequately fund DOB to hire adequate staff and resources to implement and oversee its implementation,

- Lead by example through innovation, deep retrofit and renewable energy pilot projects in City owned property,
- Monitor use of renewable energy credits, greenhouse gas offsets and carbon trading to ensure they do not negatively affect goal attainment,
- Fund worker training, focusing environmental justice and low and moderate income communities for inclusion in the economic benefits of this energy transformation,
- Ensure that jobs created adhere to decent labor standards.

We appreciate the work of the Climate Advisory Board and its Working Groups and look for their assistance to the City in the LL97 implementation. The City, State and Federal government must analyze, identify and rectify regulatory, policy and administrative barriers to transforming NYC's energy system as it affects the built environment. This includes rental and financing policies affecting building electrification that may shift payment responsibilities from landlord to tenant, a particular barrier in rent stabilized and affordable buildings.

At present most funding for energy reduction programs is passed through the State from utility system benefit charges. Today there are insufficient funds and programs available for the implementation of LL97. We encourage NYC to allocate funds and expand tax abatement and financing strategies, create opportunities for private investment and leverage State and Federal resources toward this public good of carbon reduction and creating safer, healthier and more efficient homes and places of business.

Thank you for the opportunity to testify today.

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Monday, April 5, 2021

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**Oral Testimony**

Before New York City Council

Committee on Environmental Protection and the Subcommittee on Capital Budget

**Local Law 97 Oversight Hearing**

Sonal Jessel

*Director of Policy*

*WE ACT for Environmental Justice*

Good afternoon Chair Constantinides and Rosenthal and members of the Council and members of our agencies who are present today. Thank you for the opportunity to testify regarding Local Law 97.

My name is Sonal Jessel, and I'm Director of Policy at WE ACT for Environmental Justice. Over the past 32 years, WE ACT has been combating environmental racism in Northern Manhattan. I myself have received my Master in Public Health from Columbia University. I am here as an advocate concerned about the communities we serve in Northern Manhattan, which is heavily Black/African American and Latino, low-income, and hard hit by the COVID-19 pandemic. I am testifying today to outline what WE ACT sees as continuing needs and important considerations for implementing Local Law 97.

As an environmental justice advocate, I am excited by Local Law 97 because of its potential to reduce local air pollution. As we all know by now, across the city, it is communities of color, low-income communities, immigrant communities, that are impacted by poorer air quality. We have old buildings that are poorly maintained, inefficient, and some that are still spewing toxins due to the use of dirty fuel oil (for which there is a bill we must pass immediately to fix INT 980) The people living in communities with poorer air quality have higher rates of chronic illness.

Particularly, respiratory illnesses like asthma, and cardiovascular illness like heart disease are high. Research across the world, has found respiratory illness due to dirty air is a leading cause of death. Additionally, the impact of climate change is hurting environmental justice communities first and worst. Extreme heat, flooding from hurricanes and storms, sea level rise, food insecurity, disease, and more – are all major concerns that our communities have.

For these reasons, it is vital that we not just reduce our greenhouse gas emissions overall, but we reduce local air pollution. We must keep this goal as a central, motivating, reason for deciding how to implement local law 97. If the methods aren't reducing local air pollution, it should not be prioritized.

I am asking for a few considerations.

First, we must have more staff in OBEEP. With only 6 staff members, I can imagine how overwhelmed these 6 powerhouses may become. There are thousands of buildings that will have to be reducing their building energy use. To ensure this



is done well, that people get the resources they need, that implementation and adherence to the law is tracked correctly, we need more staff in OBEEP. We are asking to double the number of staff in this office.

Second, we must not pursue a carbon trading study that leads to any emissions increases in EJ neighborhoods as compared to other neighborhoods in NYC. We must also clearly have a plan for evaluating the effectiveness of carbon trading, and be prepared with a mechanism and guidelines for dismantling carbon trading program if it not yielding the intended results of local emissions reductions.

Third, the answer to funding Local Law 97 is not renewable energy credits. It is not market-based solutions that do not reduce local air pollution and do not improve energy efficiency in buildings. If we want buildings to improve their efficiency, we must provide funds for the buildings that cannot afford to make these changes. Particularly, for buildings in environmental justice communities. ANY profits that come from Local Law 97 implementation, including in the potential carbon trading program, MUST not go to the City's general fund, but must go to a funding pool specifically created for subsidizing the cost. If we want massive energy efficiency improvements to happen, we need to move quickly and boldly to subsidize upfront costs.

Very importantly, there is a board created specifically to make these decisions, to guide the implementation process. We need to look to that board, along with the City agencies, to make decisions about implementation. We must not in any circumstance, circumvent this board for related issues.

Sincerely,

Sonal Jessel, MPH

Director of Policy  
WE ACT for Environmental Justice  
1854 Amsterdam Avenue, 2nd Floor  
New York, NY 10031  
212-961-1000

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April 13, 2021

Chairs Constantinides and Rosenthal, and members of the City Council Committee on Environmental Protection and Subcommittee on Capital Budget, thank you for the opportunity to provide testimony regarding the oversight of Local Law 97 (LL97) of 2019.

The New York Building Congress' membership consists of more than 550 constituent organizations and 250,000 skilled tradespeople and professionals, including architects, engineers, contractors and labor, many of whom design and build the projects that create a more sustainable city. As such, we commend the New York City Council and City's efforts to create a greener built environment and more sustainable future for the five boroughs.

Aligned with those goals, we proudly support the intent of LL97 and look forward to working with the City Council and Administration on its implementation. We are deeply concerned, however, with the prospects of building owners paying significant fines for non-compliance on their buildings beginning in 2024 due to flawed language in the law as enacted, targets that are not achievable in the short term and a lack of guidance or flexibility from the City.

First, the law as enacted singles out buildings that may have already invested heavily in cutting their carbon emissions, either because they are newer or have recently undergone efficiency upgrades. By targeting buildings that are 25,000 square feet or larger – which totals 50,000 buildings, or five percent of all buildings in New York City – the law is focusing its efforts on facilities that are much newer, are a small segment of all buildings and are already more efficient and sustainable than those not covered under the law. By virtue of their density, these buildings are already more sustainable and efficient on a per-capita basis than those not covered by the law, and they represent some of the most important buildings to our economy: hospitals, offices and large multifamily dwellings.

Second, while well intentioned, the law sets very aggressive targets that may not be reasonably achievable, and therefore does a disservice to the building industry and the public. The law calls on covered buildings to begin reducing their carbon emissions by 40 percent by 2030, a date not too far into the future. As a matter of best practice, building owners already began working to make their facilities more efficient prior to LL97, and yet they may still face significant penalties if they do not cut their emissions further. For example, One Bryant Park, completed in 2009 and one of the world's first LEED Platinum buildings, could face millions of dollars in penalties beginning in 2024 if it does not begin reducing its emissions. The building industry does not negate its responsibility to meet our shared climate goals, however, the law seems to ignore the reality that our energy infrastructure and outdated electrical grid depend almost entirely on fossil fuels now and will continue to do so in the near future.

Additionally, the pandemic also caused unforeseen delays on green energy projects across the state that would have aided with implementation, and we must all recognize that and adapt accordingly. As we build the necessary infrastructure to support a greener energy network, we must adjust the timeline targets in LL97 to account for these realities, so as not to penalize building owners. The building industry does not negate its responsibility to meet our shared climate goals, however, the law seems to ignore the reality that our energy infrastructure and outdated electrical grid depend almost entirely on fossil fuels now and will continue to do so in the near future. Additionally, the pandemic also caused unforeseen delays on green energy projects across the state that would have aided with implementation, and we must all recognize that and adapt accordingly. As we build the necessary infrastructure to support a greener energy network, we must adjust the timeline targets in LL97 to account for these realities, so as not to penalize building owners.

Lastly, a comprehensive effort such as limiting building emissions on a grand scale requires partnership between the public and private sectors. The building industry stands ready to contribute to the goals of LL97 and requires the City and future administrations to help in this effort by releasing timely guidance or making reasonable adjustments in collaboration with us. For example, LL97 calls on the Department of Buildings to grant an adjustment of the annual building emissions limit applicable to a covered building in existence should they meet certain criteria. The deadline for the adjustment application is July 1, 2021 and the City has yet to release the criteria for eligibility for this important provision or guidance on how to apply. Further, certain deadlines are now being extended and new loopholes created. The Council recently enacted legislation (Int 1593A) to delay the submission of the City's Long Term Energy Plan from December 31, 2021 to June 1, 2022, and recently enacted legislation that creates a loophole in LL97 to protect certain fossil-fuel powered systems in buildings. As we move toward the 2024 timeline to begin compliance, we must take a comprehensive look at how we make adjustments to LL97 – either through new legislation or rulemaking – that supports the entire industry, reduces the potential for fines and progresses the goals of the law.

The New York Building Congress and its members are committed to advancing policies that create a cleaner, greener New York. We look forward to a continued partnership with the City Council to help deliver transformative initiatives that will improve the efficiency and reduce the carbon footprint of our buildings. Thank you for your time and consideration.

Very truly yours,



Carlo A. Scissura, Esq.  
President & CEO