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TESTIMONY OF THE LEGAL AID SOCIETY

IN SUPPORT OF INT. 0087-2010, A LOCAL LAW TO AMEND THE ADMINISTRATIVE
CODE OF NEW YORK, IN RELATION TO FILING OF REGISTRATION STATEMENTS
BY OWNERS OF DWELLINGS

New York City Council Committee on Housing and Buildings

June 22, 2010

Thank you to the New York City Council Committee on Housing and Buildings for the opportunity to speak at this very important hearing.

The Legal Aid Society is the oldest and largest programs in the nation providing direct legal services to low income families and individuals. The mission of the Society's Civil Practice is to improve the lives of low income New Yorkers by helping vulnerable families and individuals to obtain and maintain the basic necessities of life — housing, health care, food and subsistence income or self-sufficiency. The Society's legal assistance focuses on enhancing individual, family and community stability by resolving a full range of legal problems in the areas of immigration, domestic violence and family law, employment, housing and public benefits, foreclosure prevention, elder law, tax, community economic development, health law and consumer law.

The Society achieves its mission in a number of ways. Through a network of 10 neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Civil Practice provides free direct legal assistance in thousands of matters annually. Overall, combining individual representation with law reform litigation, advocacy and neighborhood initiatives, the Society provides as many low-income New Yorkers as possible with access to justice. In addition to direct legal services, the Society provides extensive back-up support and technical assistance for community organizations in all five boroughs of the City providing services in low-income communities, "Know Your Rights" trainings for community residents, and community education sessions on complex legal issues affecting low-income communities. When it is the most efficient and cost-effective way to help clients, the Society provides legal representation to groups of clients with common legal problems, including those referred by elected officials. The Society's unique value is our ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole.

The Legal Aid Society supports the proposed law Int. 87 which would require owners of multiple dwellings that are corporations or partnerships to register with the Department of Housing Preservation and Development the names of every individual, general partner or limited partner who owns at least 25% of the corporation or whose share of the partnership exceeds 25%. Further, these owners would be required to provide an actual address; they could no longer use a post office box as their address. Corporate owners of class A multiple dwellings used for single room occupancy are currently required to report this information. The amendment would simply extend that requirement to corporate owners of all multiple dwellings as well as partnerships.

This bill is a common sense solution to the problem that tenants and advocates face when attempting to locate the owners of multiple dwellings. At The Legal Aid Society, we are increasingly seeing tenants living in distressed housing. Our clients live in buildings that have been bought and sold multiple times in recent years. It has become increasingly difficult to know who owns the buildings where we are working with the tenants. We want to work with the owners but they are sometimes impossible to find.

Identifying owners is essential where the buildings are owned by predatory investors who paid inflated prices backed by irresponsible lending and investment practices. This practice has placed as many as 90,000 tenants in New York City at risk because their homes are now substantially over-leveraged. Forced to pay hefty returns to their investors, developers often neglect building maintenance and pressure low income residents to vacate so as to open the way for higher income residents. As the housing bubble crashed and the financial sector sank into crisis, the predatory equity developers' speculative business plans have begun to fail. These developments now face financial default and grave uncertainty for the residents. Unfortunately, the residents in these buildings often have inadequate tools to locate the owners of their buildings.

We support the Council's essential efforts to promote greater transparency in the real estate market. This bill will allow the City and the Council to track patterns and concentrations of ownership so that the City and the Council will be better able to respond to crises like the current foreclosure crisis in multifamily buildings.

Conclusion

Thank you for the opportunity to testify before the Council's Committee on Housing and Buildings today. We urge this Committee to approve Int. 0087-2010 and support its passage in the Council. We support this Committee's aim of promoting transparency and accountability in the multiple dwelling registration process.

Respectfully Submitted:

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MEMORANDUM IN OPPOSITION

Intro. 87-A

The Rent Stabilization Association of New York represents over 25,000 owners and managers in New York City who own and manage over one million units of housing. Intro. 87 would expand the current multiple dwelling registration (MDR) form used by HPD to include information relating to investors in corporations or partnerships, in addition to the corporate officers currently required on the MDR. There is no apparent useful purpose to require this information. RSA has had discussions with practitioners and administrators that utilize MDRs and we have yet to find a valid reason for requiring this additional information.

Currently, if a building is owned by a corporation or partnership, the officers and their contact information is required by HPD. Additionally, the managing agent and an emergency contact person are also listed with the requisite contact information. Requiring additional information concerning business addresses of partners or investors serves no legitimate purpose, particularly given the extent of the information already available to HPD through its own database, as well as the databases of other government agencies, including the Department of Finance and the State Division of Housing and Community Renewal.

RSA is opposed to Intro. 87-A for the above-stated reasons.



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THE COMING TOGETHER OF
LATIN AMERICAN INTEGRATION CENTER
AND MAKE THE ROAD BY WALKING

Testimony in Support of Int. 0087-2010, A Local Law to amend the Administrative Code of the City of New York, in relation to filing of registration statements by owners of dwellings.

My name is John Whitlow and I am a Supervising Attorney at Make the Road New York, a non-profit organization based in the communities of Bushwick, Brooklyn; Jackson Heights, Queens; and Port Richmond, Staten Island. We work to promote economic justice, equity and opportunity for all New Yorkers. Our organization consists of over 7,000 members, most of whom are immigrant tenants and many of whom live in substandard housing. I submit this testimony on behalf of Make the Road New York and thank the Committee for the opportunity to participate in this hearing. I would particularly like to thank Council Member Melissa Mark-Viverito for her strong support of this law.

Make the Road New York supports the proposed law, Int. 87, which requires that corporate owners of multiple dwellings register with the Department of Housing Preservation and Development (“HPD”) the names of individuals who own at least 25% of the corporation, and register an actual brick and mortar address of their business.

Make the Road New York began working on this issue when we saw that a significant number of our members, particularly those living in substandard housing, simply had no idea who their landlord was. When doing housing-related legal intakes, we repeatedly saw the same problem: a new landlord, organized as a limited liability corporation (“LLC”), had bought the building, announcing its presence with a note directing the tenants to send rent to a post office box. When our attorneys and paralegals checked HPD’s online registration for the building, they would often see the same name listed as the building’s corporate officer, managing agent and emergency contact, with a registered address which was in fact a post office box. Many of our members reported significant difficulty trying to contact their landlords to get problems resolved; indeed, the only interaction that a number of our members had with their landlords was in housing court, and, even there, they rarely if ever dealt directly with anyone with real decision-making authority over the property.

Section 27-2098 of the Administrative Code currently requires that corporate owners of multiple dwellings register the names and addresses of corporate officers and a managing agent, and list

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TEL 718 418 7690
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an emergency contact number. The Code requires that corporate owners of single room occupancy multiple dwellings register the names of individuals who own at least 25% of the corporation. Int. 87 amends the current registration scheme by making the requirement that corporate-owned SRO's register the names of individual owners of 25% of the corporation applicable to all corporate-owned multiple dwellings, and by specifying that landlords register with HPD an actual brick and mortar address.

Int. 87 is an improvement over the current law primarily because its enhanced registration requirements will lead to greater transparency in landlord-tenant relations. By requiring that all corporate multiple dwelling owners register the names of individual owners of the corporation, the law significantly increases the likelihood that tenants will be able to communicate with people who possess real decision-making authority over their buildings. This will mean that tenants will not necessarily have to resort to litigation and/or agency complaints to get repairs made in their apartments or to address problems relating to their rent or leases. The requirement that corporate multiple dwelling owners register a brick and mortar address with the City further chips away at recalcitrant landlords' ability to shield themselves from their legal obligations to their tenants.

The law will be an important tool for tenants and housing advocates, who can use a landlord's improper registration as a defense in housing court. As more tenants interpose the law as a defense, it will pressure non-complying landlords to accurately register, since failure to do so acts as a bar to the collection of rent in housing court.

Int. 87 will also promote greater transparency in the real estate market, as it will better allow the City to track patterns and concentrations of property ownership. Under the current registration regime, there is no truly accurate way to determine which individuals own which – or how many – properties. Given the recent mortgage and foreclosure crisis, this can lead to blind spots that greatly handicap policymakers' ability to intervene to stabilize markets.

Int. 87 is a straight-forward, common-sense improvement to the City's existing registration requirements for corporate multiple dwelling owners. It follows and amplifies already-existing and long-standing SRO registration requirements and it does not require a significant expenditure of City resources. In short, through this simple change to the Code, tenants all over the City will have more clarity about who owns their buildings, and will be more likely to resolve their housing problems without resort to litigation.

In conclusion, for all of these reasons, Make the Road New York urges the Committee to approve Int. 87, and to support the law for passage in the City Council. We are hopeful that the Council will share our commitment to safeguarding tenants' rights by promoting transparency and accountability in the corporate multiple dwelling registration process.



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Testimony of Ericka Stallings, Housing Advocacy Coordinator for the New York Immigration Coalition, before the New York City Council Committee on Housing and Buildings

June 22, 2010

Good afternoon. My name is Ericka Stallings, and I am the housing advocacy coordinator of the New York Immigration Coalition, a policy and advocacy organization with approximately 200 member groups throughout New York State that work with immigrants and refugees. I would like to thank the Committee on Housing and Buildings as well as the members of the City Council, for allowing our organization to testify at this very important hearing on Intro 87, the Multiple Dwelling Registration Bill.

Our member groups have increasingly reported that tenants of corporate owned multiple dwellings are having great difficulty accessing the owners of their buildings. This limits their ability to get repairs, pursue litigation or simply bypass unhelpful frontline staff.

By requiring landlords organized as corporations and partnerships to register the names of the individual owners with a stake of 25% or more, Intro 87 encourages needed transparency and provides tenants with basic information about their homes. For many tenants their only access to the owner of their building is through a PO Box, an answering service or an intermediary with limited authority.

For low-income, immigrant and limited English proficient tenants, it is extremely important to reduce barriers that prevent tenants from identifying owners and decision makers. The alternatives, reviewing government records such as those of the Department of Finance, are daunting, particularly without legal assistance or support from an advocacy organization.

These barriers exacerbate the housing challenges of immigrants who are already more likely to live in substandard conditions and are significantly less likely to make complaints about housing violations. Intro 87 would give tenants and advocates greater access to key decision makers, thereby reducing delays in the correction of housing problems.

If Intro 87 is passed tenants will have better access to the individuals who have the capacity and authority to address important tenant concerns; directing their communication to the individuals who have direct responsibility and control over the conditions of tenants' homes. This is an important tool for tenants and advocates, for this reason the New York Immigration Coalition strongly encourages the City Council to support this legislation.

Thank you.

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TESTIMONY OF
DAVE HANZEL, POLICY DIRECTOR, BEFORE
THE NEW YORK CITY COUNCIL
HOUSING AND BUILDINGS COMMITTEE

June 22, 2010

Thank you Chairman Dilan and Committee Members for the opportunity to testify in support of Intro. 87, the Multiple Dwelling Registration Bill, which would revise the Administrative Code of the city of New York to change the way owners are required to file registration statements.

My name is Dave Hanzel and I am the Policy Director of the Association for Neighborhood and Housing Development. ANHD is a not-for-profit membership organization of over 100 neighborhood-based housing groups across the five boroughs. Our members represent the full range of not-for-profit housing organizations - CDCs, affordable homeownership groups, supportive housing providers and community organizers. ANHD works with our members to advocate for comprehensive, progressive housing policies and programs to support affordable, flourishing neighborhoods for all New Yorkers, especially our lower income residents.

The Introduction before the Committee today is of great importance to ANHD and we would like to recognize the leadership of Council Member Mark-Viverito for her efforts to bring greater transparency and accountability to the tenant / landlord relationship.

Under the current system, it is extremely rare that owners provide the contact information for themselves or a staff member who has actual decision-making authority over the property. Additionally, the mailing address is often a P.O. Box so there is no physical office where tenants can go to share and resolve problems. ANHD continually encounters this situation when working with our members who are helping tenants get repairs, stop harassment, or identify the predatory equity-backed developers who are destabilizing their building. As multi-family housing becomes increasingly owned by partnerships and not individual owners, it is clear that action must be taken.

There is an alternative system that works much better. Indeed, Intro. 87 would replicate a model that is currently in place for corporate owners of Single Room Occupancy hotels. This system mandates that these owners register the names and addresses of individual owners of the corporation whose share of ownership exceeds 25 percent. Had this system been in place when ANHD was discovering the destructive business model known as predatory equity, it would have been much easier to identify at-risk buildings and intervene to ensure tenants were not displaced, services were not disrupted, and local elected officials were notified of the potential impact on their districts.

ANHD believes the lack of transparency governing registration statements is unfortunate and begets questions as to whether the owner truly intends to be a responsive, accountable property owner. Intro. 87 presents a cost-effective, simple way for tenants to have access to the name and contact information for the owner or an empowered designee so that issues may be resolved in a timely manner.

Thank you again for your attention to this important issue. I am happy to answer any questions.

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS ON PROPOSED INT.
NO. 87-A—A LOCAL LAW TO AMEND THE ADMINISTRATIVE
CODE OF THE CITY OF NEW YORK, IN RELATION TO THE FILING
OF REGISTRATION STATEMENTS BY OWNERS OF DWELLINGS
JUNE 22, 2010**

This testimony is submitted on behalf of Legal Services NYC. Legal Services NYC provides free legal services in civil matters to low-income households in New York City. The nineteen neighborhood offices of Legal Services NYC operate in diverse communities throughout the city to represent thousands of low-income tenants annually in disputes involving tenants' rights to remain in their homes. South Brooklyn Legal Services (SBLs) is a program of Legal Services NYC that provides free legal services to low-income residents of the neighborhoods of South Brooklyn. Our Housing Unit represents individual tenants facing eviction as well as groups of tenants seeking to improve their living conditions and avoid displacement.

We strongly urge passage of Int. No. 87-A, which would improve transparency in the ownership of rental housing, and would help the Multiple Dwelling Registration work for tenants and landlords. Int. No. 87-A would amend the existing Multiple Dwelling Registration requirement so that corporate owners of multiple dwellings must register the name of any principal owner of more than 25 percent of the corporation.

As a housing attorney, I meet hundreds of tenants every year – my office speaks with thousands – whose ceilings are falling in, whose windows are broken, whose heat does not work, whose walls are covered in mold, whose doors do not lock. In every neighborhood, in

every kind of building, in English, Spanish, Creole, Russian, Yiddish, Mandarin, every one of these tenants asks the same first question: Who is my landlord?

All these tenants know of their landlords is a limited liability company (LLC) named generically after the street address of the building, and a post office box at a mailbox store such as 199 Lee Avenue. This is the information on their leases, and this is the information available on the landlord's Multiple Dwelling Registration (MDR). The MDR will list the name of a managing agent or emergency contact, but the address is the same post office box, and the name is simply the superintendent of the building, who has no authority to address most tenant concerns.

Often these tenants have formed Tenant Associations seeking to improve their buildings, but they cannot find anyone with authority to address the problems in their apartments.

Many landlords do already provide meaningful and useful information in their Multiple Dwelling Registrations. However, the very owners who provide minimal or no services – the speculators and absentee landlords - are the same owners who use post office boxes to make themselves unreachable by tenants.

As an attorney, I can help these tenants by looking up signatures on deeds, searching Lexis-Nexis and Westlaw for corporate and property transaction information, and eventually excavating names and contact information for the people who are responsible for providing services in these buildings. *But tenants should not have to retain a lawyer just to find out who their landlord is.*

Nor is this a cost-effective use of scarce legal resources. Before testifying today, I reviewed my timekeeping records. I have spent at least thirty hours in 2010 alone helping

tenants uncover the most basic information about the ownership and control of their homes. My office, South Brooklyn Legal Services, due to limited capacity, is forced to turn away more than 50 percent of eligible tenants facing eviction who come to us for help. We support Int. No. 87-A primarily because it would provide tenants and Tenant Associations with the information they need to resolve issues with their landlords directly. However, another benefit of passing legislation is that the cost of implementing this relatively minor change to an already-existing registration process is far less than the cost of hundreds of legal services hours, funded in part by the City, which could then be redirected to more efficiently assisting tenants in preventing homelessness.

Another benefit of this legislation is that it would help to address a large-scale problem that the Council has recognized as a destructive and destabilizing force in the New York City housing market: that of predatory equity. As the Council is all too aware, over the past several years private equity investors, highly leveraged with questionable mortgages, have bought thousands of so-called “under-utilized” rent-regulated apartments with the goal of achieving high rates of return on their investments through absurdly high turnover and deregulation rates. They have harassed and evicted hundreds of tenants, removed many units from rent stabilization, and – most recently – defaulted on mortgages and abandoned their properties, leaving swathes of devastation in their wakes.

Because these companies made their purchases under hundreds of different generic LLCs, their consolidation of the market has been difficult to follow. The City, as well as nonprofit organizations such as the Association of Neighborhood Housing Developers, has spent thousands of hours just trying to track these companies and develop a picture of the full

extent of their activities. Two years ago, SBLS compiled a list of all properties owned by one such equity investor, the Dermott Company. It took nearly a month to do, using every public record and resource available. The list has already become outdated in the two years since then, and will require dozens more research hours to keep current. We simply cannot afford to continue to dedicate so much time to the labor-intensive work of uncovering these companies' presences behind the hundreds of thousands of shell LLCs buying and selling housing in New York City.

This legislation would make the tracking of large corporate owners and investors simple: they would be listed on the MDR as principals of the LLCs through which they own their buildings. To prevent and combat abuse of tenants and poor maintenance of residential property, City agencies, neighborhood groups, and other owners and developers must be able to learn when a large investor begins consolidating property in a particular neighborhood or market, and understand the extent of such consolidation. This legislation inexpensively and unobtrusively makes that possible.

There remains much work to be done in improving and enforcing multiple dwelling registration requirements. Int. No. 87-A is a simple, cost-effective step forward that will make a real difference in the everyday lives of tenants and will put the City in a better position to form effective housing policy. We thank the City Council for introducing this legislation and strongly urge its passage.

Respectfully submitted,

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My name is Maria Maissonett. I am a leader with New York Communities for Change (NYCC).

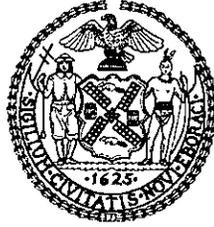
Rich landlords are hiding behind names of corporations to anonymously abuse tenants.

Tenants need to be able to organize to fight for their rights, just like I did when we organized in Starrett City to keep our housing affordable.

If tenants don't know who their owner is, it is much, much harder to fight for your rights, such as getting repairs and disputes over rent payments, etc.

We need to strengthen and reform our laws so that landlords cannot get away with hiding in the shadows, leaving tenants with no options outside of going to court to get justice.

If we cannot hold landlords accountable for their actions, they will continue to treat tenants as sources of income for their portfolios, rather than as people, and the conditions in which we are forced to live will only



Laurie Kerr, RA
Senior Policy Advisor, Office of Long Term Planning and Sustainability
New York City

At the New York City Council
Committee on Housing and Buildings
Respecting Proposed Intro's 262, 263, 264, 266, 267, 268, 271, 273, and 277

June 22, 2010

Good morning, Chair Dilan and members of the committee. I am Laurie Kerr, Senior Policy Advisor in the Mayor's Office of Long Term Planning and Sustainability and a registered architect in the State of New York. Thank you for the opportunity to testify today on the nine introductory bills that would improve the environmental impacts from the design, construction, and operation of buildings in New York City, especially as related to lighting and water use. These bills would help us achieve several PlaNYC initiatives, and we have appreciated the opportunity to work with the Council on these pieces of legislation.

In PlaNYC, the City set forth an initiative to "strengthen energy and building codes to support energy efficiency strategies and other environmental goals". Because New York City's buildings have a major impact on the city's environment, this broad initiative will help the City achieve many of PlaNYC's ten goals, including the enhanced reliability of our water and energy systems and a 30% reduction in citywide greenhouse gas emissions by 2030 – a goal that was codified in Local Law 22 of 2008. For example, 75% of our

greenhouse gas emissions come from energy used in buildings, 85% of our water is consumed in buildings, and over 60% of our solid waste by weight is construction debris.

Determining how New York City's codes should be amended to achieve the City's objectives in a cost effective manner is clearly a vast, technically complex project. Requiring LEED certifications -- a widely known voluntary certification program for green buildings developed by the US Green Building Council -- for private sector buildings is an approach that has been taken by some cities, but the City ultimately rejected this strategy because LEED was not crafted as a regulatory tool. Also many LEED measures do not translate perfectly to the New York context, while other pervasive New York City issues -- such as the lighting used in sidewalk sheds -- are not addressed. Therefore, in the Spring of 2008, Mayor Michael R. Bloomberg and Speaker Christine Quinn asked the Urban Green Council to assemble a Green Codes Task Force, composed of the city's experts in real estate and sustainable design, in order to develop enforceable recommendations tailored specifically to New York City. The Task Force consists of over 200 individuals from private real estate firms, development and construction companies, and architecture and engineering firms, and was assisted by technical staff from several City agencies.

The Task Force was asked to consider not just the building codes, but also the zoning resolution, the Housing Maintenance Code, and other codes and regulations that impact building design. And they were asked to look for opportunities to remove code impediments to sustainable design, since these tend to be cost-neutral, along with code enhancements that should be added.

The Task Force developed 111 proposals that were delivered to the Mayor and the Speaker on February 4, 2010, after eighteen months of *pro bono* work. Several of those

proposals, including requirements for retro-commissioning or sub-metering tenants, have already been enacted as part of the Greener, Greater Buildings Plan or as updates to the Energy Code, and another proposal requiring that the City streamline the approval of sustainable technologies and projects, was adopted by the Department of Buildings through the creation of a Buildings Sustainability Board and enacted into law as Local Law 5 of 2010. The remaining proposals have been undergoing an exhaustive review by the Green Codes Task Force's Industry Advisory Committee as well as City agencies. The nine introductory bills before the committee represent the first fruits of that refinement process.

The Office of Long Term Planning and Sustainability is pleased to testify in general support of all of these introductory bills, which would help achieve PlaNYC's goals in measurable ways. Intro's 283, 268, and 271, which address water efficiency, would reduce per capita water consumption by an estimated 6.7% by 2030. This translates into a reduction of almost 8.5 gallons per day per person, and a more drought resistant water system for all New Yorkers. Intro's 262, 266, 273, and 277, which address lighting, are more incremental in nature, reducing carbon emissions citywide by an estimated 0.6% to 0.8%, depending on how many buildings take advantage of the proposed voluntary allowances, which would permit the use of more efficient strategies. Still, this is equivalent to making at least 50,000 New Yorkers carbon neutral, and it slightly exceeds the impact of converting all of our 13,200 yellow taxis into hybrids. Most of the lighting bills remove impediments to sustainable design practices, so they help achieve the City's objectives with no mandatory costs, while the others, which place new requirements, are cost-effective strategies that generally pay for themselves in less than 3 years.

The first bill, Introductory 267, establishes that the regulation of building construction in the interest of the environment is a fundamental purpose of the New York City Building Code. This codifies the growing understanding -- within the real estate community and at large -- of the immense impacts that buildings have on the environment and also how much they affect human health, both through their design and materials. It sets the appropriate conceptual framework for the City's efforts to align its building codes with its goals for sustainable growth. And perhaps most importantly, it puts the Department of Buildings in a better position to implement these new green codes.

Of all the water efficiency bills, the one with the most significant impact is Introductory 271, which would set more stringent standards for new plumbing fixtures, including toilets, urinals, and showerheads, that are sold or installed in New York City. The proposed standards are generally in line with those of the EPA WaterSense program -- the water equivalent of an Energy Star Appliance -- so the products are clearly labeled, and readily available. These efficient fixtures will reduce the water consumed by each fixture by 20% and 50%, and they need not cost any more than less efficient products.

Introductory 268, would require sub-metering for pieces of equipment, such as boilers or cooling towers, that use large amounts of water, in order to enable building operators to detect leaks more quickly. And Introductory 263, would put an end to a very wasteful practice of running water once through a cooling system and then dumping the water, with an exception for relatively small ice-making machines.

A final water-related bill, Introductory 264, would make clean, free New York City drinking water more accessible for New Yorkers, by requiring new or replacement drinking fountains to have a 10" high spout for filling water bottles, and by eliminating an option in

the current code which allows water bottles dispensed from vending machines to substitute for half of the required drinking fountains.

Two of the remaining bills address the energy wasted by fully lighting hallways, stairways, and other common spaces during the lengthy periods when no one is present or when available day light would suffice, thus reducing energy consumption without compromising safety. Introductory 262 amends the New York City Energy Conservation Code, while Introductory 277 makes the parallel revisions needed to bring the Housing Maintenance Code into alignment. Both bills address statutory provisions regarding the minimum light required for the purposes of safety, and make clear allowances for day-lighting and bi-level lighting, thereby reducing the code impediments to efficient lighting design. The Office of Long Term Planning and Sustainability is working with the Fire Department to ensure that the light levels required and the sensor and control technologies allowed would ensure that safety needs are met.

Intro 266 requires, in spaces where occupancy sensors and controls are now required, that lights be turned on manually with sensors acting only to turn them off. This saves energy because often a space has enough day-light and does not need artificial lighting, or someone is merely ducking into a room to pick up something they forgot. The industry estimates that the use of a manual-on switch reduces energy use by 15% to 20%.

Finally, Introductory 273 addresses the lighting used in the sidewalk sheds and scaffolding that surround many of New York's buildings, often for many years, and often in broad daylight, when no lighting is necessary. The Department of Buildings licenses sidewalk sheds, and their figures indicate that there are 204 miles of sidewalk sheds in the city – enough to stretch from New York to Baltimore. This bill would require the use of

energy efficient lights for such sheds, clarify the minimum light levels required, and allow, but not require, photo-sensors to be used to turn lights off, thereby removing some code impediments to efficiency while adding new requirements for efficient light bulbs.

By allowing and, in some cases, requiring New Yorkers to use energy and water resources more efficiently, these bills will help improve our air quality and the reliability of our electrical systems, reduce energy costs for building owners, contribute to citywide reductions of greenhouse gas emissions, help make our water system more efficient, and make free, healthy municipal drinking water more readily accessible. Many of the bills remove current code impediments to efficiency and therefore impose no mandatory costs. And where there are increased costs, the required measures will typically pay for themselves in less than three years, making this package of bills extremely cost-effective.

A number of issues have been raised since the bills were introduced, including language in Intro 263 which would ban the use of potable water to cool steam condensate, which could make most systems now utilizing Con Ed steam illegal, and some potentially problematical divergences between EPA's Water Sense Standards and the requirements of Intro 271. Also the language in Intro 264 needs some technical edits for purposes of clarification. It is clear that these and other issues deserve serious consideration, and The Office of Long Term Planning and Sustainability looks forward to working with the City Council and stakeholders to continue to refine the bills. With that said, I encourage the Council to pass these bills once the remaining details have been addressed.

Thank you for the opportunity to testify on this important legislation. I am happy to answer any questions that you may have at this time.



June 22, 2010

To: The City of New York
New York City Council
Committee on Housing and Buildings
Chairman Erik Dilan

Re: Int. No. 271-2010:

A Local Law to amend the New York City plumbing code and the administrative code of the city of New York, in relation to enhancing water efficiency standards.

Chairman Dilan and Council Members:

The Plumbing Manufacturers Institute (PMI) would like to thank the City of New York and the Housing and Buildings Committee for allowing us to provide testimony on this all-encompassing water efficiency initiative. We congratulate the City of New York on initiating the most comprehensive changes in environmental stewardship in a major city and for taking a holistic approach to water efficiency, sustainability and energy usage.

The Plumbing Manufacturers Institute believes that providing proven performance and water efficient fixtures and fixture fittings options to the consumer will create an environment of water conservation awareness. The utilization of established industry water conservation practices along with adopting existing harmonized plumbing codes will have a significant impact on water efficiency and waste removal at the State and local levels. PMI is dedicated to manufacturing cost effective consumer based solutions for all plumbing products and to lead and foster the conservation of water and the safe and effective removal of building waste water.

With regards to the items in WE-1, PMI is in agreement with several of the conservation measures; however we do have concerns with the adaptation of some of items, which will impose an inconvenience on the product users without significant impact or substantiation of water conservancy. Based on the vast experience of PMI members we respectfully submit the following comments on the proposed amendments to the NYC Plumbing Code, with regards to Int. No.271-2010, from WE-1 of the NYC Green Codes Task Force Proposals. A mark-up of Int 271-2010 is also attached.



Amendments to the NYC Plumbing Code

1. **419.1 Approval.** The referenced standard in the first sentence listed here should be corrected to read; ASME A112.19.2-2008/CSA B45.1-08. The hydraulic performance of urinals are also covered in the above standard and do not require an additional standard listing and therefore the third sentence should be deleted.
 2. **604.4 Maximum flow and water consumption.** “Exceptions” products listed under exceptions should be removed since they are not listed in Table 604.4 and are understood to be exempt.
 3. **Table 604.4 Maximum Flow Rates and Consumption for Plumbing Fixtures and Fixture Fittings.**
 - a. “Service Sink”, remove from table as they are exempt.
 - b. Sink faucet should remain at the current standard of 2.2 gpm @ 60psi, for the reasons that;
 - i. The primary function of a kitchen sink faucet is to deliver a desired volume of water. Whether filling a pot, pitcher or rinsing/washing dishes, a fixed volume of water is needed to successfully complete each task.
 - ii. A reduction in flow rate will only lead to increased time to obtain desired volume – not a reduction in water used. Additionally, the time to obtain hot water will take longer resulting in increased wasted water as people will turn it on, walk away and return when they believe it’s hot. For example, reducing the kitchen sink faucet flow rate to 1.5 gpm from 2.2 gpm will increase the hot water wait time by 32 percent. The only variable in reducing flow will be the time required to effectively complete the task which will lead to increased consumer dissatisfaction.
 - c. Table 604.4 footnote (c) should be amended to read “A dual flush toilet where the average of one full flush and two reduced flushes is less than or equal to 1.28 gallons per flush”.
 4. **Item #8:** With regards to the local law taking effect January 1, 2011.

PMI has implemented a date of 2014 as the time required to provide a wider range of models and types of High Efficiency Toilets (HET’s <1.6 gpf) for consumers to select from. This date runs parallel with California and Texas change over to HET’s. PMI also believes the need to preserve the option to use 1.6 gpf toilets until more research becomes available on commercial drainline carry studies currently in progress; further reduction of flow rates may cause other problems primarily with waste water carry and flow. PMI urges due diligence in implementing HET’s by the 2011 date and that all concerns be thoroughly vetted for the reasons indicated in items (a) and (b) below;
-



-
- a. The Plumbing Efficiency Research Coalition (PERC) is a coalition of five organizations Alliance for Water Efficiency, International Code Council, IAPMO, Plumbing – Heating – Cooling – Contractors National Association and PMI. PERC has just signed a memorandum of understanding (MOU) with The Australian Scientific Review of Reduction of Flows on Plumbing and Drainage systems (ASFlow). The focus of initial work with the PERC Coalition will be to understand the limits of drain line carry with HET's and to determine the effect of the addition of water flushing water upon those limits.

 - b. The transport of waste will become an issue as waste water may not properly flow through the building and municipal sewer system. Waste may remain in the building sewer and cause blockages. Modern municipal sewer systems are sized based on maximum flow and operate best when the system is fully loaded. Reducing the flow/carry may lead to other health and maintenance risks. Prior to the adoption of design and material standards, sewer piping installed in older cities can be of various ages and sizes.
 - i. The "Green Buildings + Water Performance" white paper published by Building Design + Construction (Nov.09) indicated in its principle findings.

"There may be limits to water efficiency. In some cases, saving water can lead to unintended consequences, such as pipeline drainage problems, health and safety concerns and negative impacts on the environment."

"There have been significant improvements in the efficiency of plumbing products in the last two decades, but saving too much water could lead to conditions that might impact the health of building occupants."

In closing the Plumbing Manufacturers Institute would like to thank the Mayor's Office of Long – term Planning & Sustainability, the Green Codes Task Force and City Council for eliminating the mandating of dual flush toilets, which would have negatively affected the consumer by imposing limits on brand and style. It is also design restrictive and hinders innovation where an alternate design may be achieved that can prove to be just as efficient in terms of performance and water consumption. We applaud the Council's efforts to legislate these initiatives in a timely manner and we hope that PMI can be instrumental in providing sound industry knowledge in water efficiency that will impact the citizens of New York City in a positive way.

Thank You,

A handwritten signature in black ink, appearing to read 'Charles Hernandez', is written over a light blue horizontal line.

Charles Hernandez, Technical Specialist
Plumbing Manufacturers Institute



The New York City Council

City Hall
New York, NY 10007

Legislation Text

File #: Int 0271-2010, Version: *

Int. No. 271

By Council Member Lappin

A Local Law to amend the New York city plumbing code and the administrative code of the city of new York, in relation to enhancing water efficiency standards.

Be it enacted by the Council as follows:

Section 1. Section PC 202 of the New York city plumbing code is amended by adding certain definitions to be placed in appropriate alphabetical order to read as follows:

DUAL FLUSH TOILET. A toilet that enables the user to select a high flush for solid waste or a reduced volume, low flush for liquid waste.

NON-WATER URINAL. A urinal that discharges into the sanitary drainage system but is not supplied by a water distribution system.

A112.19.2-2008/CSA B45.1-08
includes the hydraulic requirements

§2. Section 419.1 of the New York city plumbing code is amended to read as follows:

419.1 Approval. Urinals shall conform to ASME ~~A112.19.2M, CSA B45.1 or CSA B45.5.~~ Urinals shall conform to the water consumption requirements of Section 604.4. ~~Urinals shall conform to the hydraulic performance requirements of ASME A112.19.6, CSA B45.1 or CSA B45.5.~~ Non-water urinals shall conform to ANSI/ASME A112.19.19.

§3. Section 604.4 of the New York city plumbing code is amended to read as follows:

604.4 Maximum flow and water consumption. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4.

Exceptions:

Remove exceptions, products not listed in Table 604.4 are understood to be exempt

1. ~~Blowout design toilets [3.5 gallons (13 L) per flushing cycle].~~

2. ~~Vegetable sprays.~~

read as follows:

(1) It shall be unlawful for any person to distribute, sell, offer for sale, ~~buy, offer to buy,~~ cause any person to ~~buy or sell~~ or import any plumbing fixture which does not [meet the standards of subdivision P.104.2 of section P.104.0 of reference standard RS-16 of the appendix to chapter one of title twenty-seven of this code] comply with the water consumption requirements of section 604.4 of the New York city plumbing code.

§8. This local law shall take effect on January 1, ~~2011~~, except that the commissioner of buildings and the commissioner of consumer affairs shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JH
6-9-10 11 am
WE 1

2014, date allows for manufactures to provide a wider range of products and to reduce existing stock as well coincide with anticipated legislation for change over to HET's



June 22, 2010

To: The City of New York
New York City Council
Committee on Housing and Buildings
Chairman Erik Dilan

Re: Int. No. 0264-2010:

A Local Law to amend the New York City plumbing code, in relation to drinking fountains.

Chairman Dilan and Council Members:

The Plumbing Manufacturers Institute (PMI) would like to thank the City of New York and the Housing and Buildings Committee for allowing us to provide testimony on this all-encompassing water efficiency initiative. We congratulate the City of New York on initiating the most comprehensive changes in environmental stewardship in a major city and for taking a holistic approach to water efficiency, sustainability and energy usage.

The Plumbing Manufacturers Institute believes that providing proven performance and water efficient fixtures and fixture fittings options to the consumer will create an environment of water conservation awareness. The utilization of established industry water conservation practices along with adopting existing harmonized plumbing codes will have a significant impact on water efficiency and waste removal at the State and local levels. PMI is dedicated to manufacturing cost effective consumer based solutions for all plumbing products and to lead and foster the conservation of water and the safe and effective removal of building waste water.

With regards to the items in WE-1, PMI is in agreement with several of the conservation measures; however we do have concerns with the adaptation of some of items, which will impose an inconvenience on the product users without significant impact or substantiation of water conservancy. Based on the vast experience of PMI members we respectfully submit the following comments on the proposed amendments to the NYC Plumbing Code, with regards to Int. No.264-2010, from WE-1 of the NYC Green Codes Task Force Proposals. A mark-up of Int. No. 264-2010 is also attached.



Amendments to the NYC Plumbing Code

Section PC 410

Drinking Fountains

1. 410.1 Approval. Re-word language in first sentence to:

Drinking fountains shall dispense potable water that may be drunk without using a cup and which shall be dispensed at such an angle so as to prevent facial parts of persons drinking from such fountains from coming into contact with the water outlet. The dispensed water shall be at a height and angle, that is at least 10 inches high, or the drinking fountain shall also incorporate a separate faucet or other outlet, which is suitable for filling a bottle with potable water.

- a. All parts of the face are potential contaminating surfaces, ears, chins and cheeks etc. Provide an option for additional filling faucet if drinking fountain does not comply with the height and angle requirement to fill a water bottle.
- 2.** The referenced standard in the second sentence should be corrected to read; ASME A112.19.1/CSA B45.2-2008, ASME A112.19.2/CSA B45.1-2008 and ASME A112.19.3/CSA B45.4-2008. In addition the requirement for water coolers is now included in ANSI/ASHRAE 18-2006. The requirements of ARI 1010 have been withdrawn. Remove all language referencing the use of any type of bottled water as a substitute to drinking fountains or as an additional requirement, this defeats the purpose of water conservancy.
- a. Plumbing codes are designed to provide for the health and safety of delivering and dispensing of potable water and the removal of waste water within a plumbing system. When codes are adopted by state or local jurisdictions they become law. Inserting consumer options/items with-in the code language, which are not appurtenances to the plumbing system is not an appropriate method of enforcement or proper use of the code.
 - b. Bottled water coolers, which dispense water from large 3, 5 or 6 gallon bottles should not be considered a substitute to drinking fountains since they:
 - i. Do not comply with ADA requirements.
 - ii. Requires replacement of costly bottles delivered by truck, adds to CO2 emissions
 - iii. Requires storage and disposal of unsightly bottles within buildings
 - iv. The water storage reservoirs on these devices are not completely sealed and can become contaminated by airborne or waterborne sources.
 - v. When exposed to direct sunlight and or stored for long periods of time, water stored within plastic or glass 5 gallon bottle can become stale or otherwise compromised.
 - vi. Are not permanently affixed to the building and can be moved or eliminated altogether thus removing the source of water over time.
-



- c. Bottled water vending machines should not be considered as substitute as well for the following reasons:
 - i. Adds to additional recycling of disposable products
 - ii. Is not a cost effective substitute
 - iii. Discriminates against the poor and homeless

In closing the Plumbing Manufacturers Institute would like to thank the Mayor's Office of Long – term Planning & Sustainability, the Green Codes Task Force and City Council. We applaud the Council's efforts to legislate these initiatives in a timely manner and we hope that PMI can be instrumental in providing sound industry knowledge in water efficiency that will impact the citizens of New York City in a positive way.

Thank You,

A handwritten signature in black ink, appearing to read "Charles Hernandez", is written over a light blue horizontal line.

Charles Hernandez, Technical Specialist
Plumbing Manufacturers Institute



The New York City Council

City Hall
New York, NY 10007

Legislation Text

File #: Int 0264-2010, Version: *

Int. No. 264

By Council Member Eugene

A Local Law to amend the New York city plumbing code, in relation to drinking fountains.

Be it enacted by the Council as follows:

Re-word language, see 2nd page

Section 1. Section 410.1 of the New York city plumbing code, as added by local law number 33 for the year 2007, is amended to read as follows:

the requirements in ANSI/ASHRAE 18-2006.

SECTION PC 410

A112.19.1/CSA B45.2-2008, ASME A112.19.2/CSA B45.1-2008 and ASME A112.19.3/CSA B45.4-2008

DRINKING FOUNTAINS

~~410.1 Approval. Drinking fountains shall dispense potable water that may be drunk without using a cup, and which shall be dispensed at such an angle so as to prevent the mouths and noses of persons drinking from such fountains from coming into contact with the water outlet, and which shall also contain a separate faucet or other outlet suitable for filling a bottle that is at least 10 inches high with potable water. Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.3M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, or where potable water is readily available and may be dispensed for filling cups, or bottles which are at least 10 inches high, through water coolers or faucets, equipment or devices providing purified water, other than such faucets, equipment or devices located in restrooms and equipment or devices that dispense water in individual bottles, one bottle at a time, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains.]~~

Remove all references regarding any bottled water

§2. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such

effective date.

LS # 990
06-4-10 11 am
DB
HIT 20

410.1 Approval. Drinking fountains shall dispense potable water that may be drunk without using a cup and which shall be dispensed at such an angle so as to prevent the mouths and noses of facial parts of persons drinking from such fountains from coming into contact with the water outlet. and The dispensed water shall be at a height and angle, that is at least 10 inches high, or the drinking fountain shall also contain incorporate a separate faucet or other outlet, which is suitable for filling a bottle with potable water.



All parts of the face are potential contaminating surfaces, ears, chins and cheeks etc. Provide an option for additional filling faucet if drinking fountain does not comply with the height and angle requirement to fill a water bottle.

- a. Bottled water coolers, which dispense water from large 3, 5 or 6 gallon bottles should not be considered a substitute to drinking fountains since they:
- i) Do not comply with ADA requirements.
 - ii) Requires replacement of costly bottles delivered by truck, adds to CO2 emissions
 - iii) Requires storage and disposal of unsightly bottles within buildings
 - iv) The water storage reservoirs on these devices are not completely sealed and can become contaminated by airborne or waterborne sources.
 - v) When exposed to direct sunlight and or stored for long periods of time, water stored within plastic or glass 5 gallon bottle can become stale or otherwise compromised.
 - vi) Are not permanently affixed to the building and can be moved or eliminated altogether thus removing the source of water over time.



Testimony in support of Int. 262, Int. 263, Int. 264, Int. 266, Int. 267, Int. 268, Int. 271, Int. 273 and Int. 277

Committee on Housing and Buildings

Angela Sung

Senior Vice President

Real Estate Board of New York

June 22, 2010

The Real Estate Board of New York, representing nearly 12,000 owners, managers, developers and brokers of real property in the city of New York, supports the nine bills being heard today that come out of the Green Codes Task Force. The Real Estate Board has been involved with the Green Codes Task Force since its inception in 2008. The 111 recommendations that the Task Force released represent the collective talents of dozens of experts in sustainability, green building and development, engineering and architecture.

The Real Estate Board has participated along with many of our members on the Industry Advisory Council. We are pleased to see that this first round of legislation takes into account many of our concerns and comments regarding the initial recommendations. We have a few comments on the legislation as drafted, but on the whole, we believe these bills reflect the thoughtful input of industry and can work effectively to continue the goals of PlaNYC and all of us who believe in a greener city.

Our single issue is with Intro 263, which prohibits the use of potable water for once-through cooling and for tempering hot water or steam before discharging to sewers. We recommend limiting this code modification to new construction or otherwise amending it to recognize the infeasibility of eliminating once through cooling from many existing buildings. We also support the Mayor Office's recommendation to delete the line in the legislation that prohibits use of potable water to temper steam condensate, as this would effectively render most buildings using Con Edison steam illegal by nature of the fact that the condensate by DEP regulation may not be discharged at a temperature above 150 degrees Fahrenheit. There is, as of yet, no way to fully eliminate the practice in new construction.

Other than Intro 263, we do not have major concerns with the other legislation as introduced, and look forward to continuing to work with the Council to ensure these bills are reasonable for the real estate industry and the tenants who live and work in our buildings.



International Code Council
48 Dublin Drive
Niskayuna, NY 12309
tel: 888.icc.safe (422.7233)
fax: 518.783.4570
www.iccsafe.org

Thank you Chairman Dilan and Members of the City Council Committee on Housing and Buildings for providing me the opportunity to testify today on behalf of Intro 262, 263, 264, 266, 267, 268, 271, 273, and 277 which will affect the Construction Codes of the City of New York.

My name is Dorothy Harris; I am the Vice President of State and Local Government Relations for the International Code Council. The Code Council is a non-profit membership association dedicated to building safety and fire prevention. Today, the International Codes are adopted in all 50 states, the District of Columbia, Puerto Rico, and the US Virgin Islands and in over 21,000 local jurisdictions in the United States, with the authority to adopt and implement building construction codes. The International Codes, including our newest code, the International Green Construction Code, are a comprehensive and fully coordinated family of codes which encourage the use of new materials, products and systems that can address the issues important to New York City, including economic growth, sustainability, energy conservation, housing preservation and affordability.

As you know, the new Construction Codes became effective on July 1, 2008 with a mandatory effective date of July 1, 2009 following your Committee's historic passage of this critical legislation in 2007. Also included in this significant law, is the requirement to review the next version of the codes every three years modeled after the national code development process. Accordingly, this year, the codes should be reviewed and updated so that NYC Construction Codes "do not become dated again" as referenced in the Mayor's Press Release. Therefore, I would recommend the review of the 2009 International Building Code (IBC), International Fire Code (IFC), International Mechanical Code (IMC), International Plumbing Code (IPC), International Fuel Gas Code (IFGC) and the International Green Construction Code (IgCC). The update to the NYS Energy Law requiring the 2009 International Energy Conservation Code (IECC) will become effective on December 14, 2010 statewide. As a result, green provisions will then be coordinated with the rest of the construction codes already being enforced.

The IgCC provides a comprehensive set of requirements intended to reduce the negative impact of buildings on the natural environment. It is a document which can be readily used by manufacturers, design professionals and contractors; but what sets it apart in the world of green building is that it was created with the intent to be administered by the enforcement community and adopted by jurisdictions as a tool to drive green building beyond the market segment that has been transformed by voluntary rating systems. The IgCC was undertaken by the ICC, ASTM International and AIA with additional development support of the US Green Building Council (USGBC), the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), and the Illuminating Engineering Society (IES). The IgCC is applicable to the construction of high performance commercial buildings, structures and systems, including existing buildings. Due to its coordination with building, plumbing, mechanical and energy codes already being utilized by the City, it could easily be harmonized with the Construction Codes, modified to suit the City's needs and administered and enforced by the Department of Buildings.

The Code Council is pleased to continue to partner with the City of New York and we look forward to continuing to serve your needs. Thank you for the opportunity to present testimony to you today. I am pleased to answer any questions or provide additional documentation.

TESTIMONY OF TERENCE O'BRIEN BEFORE THE HOUSING
AND BUILDINGS COMMITTEE OF THE NEW YORK CITY
COUNCIL ON JUNE 22, 2010 ON INTRO. 263,264,268, AND 271

Good afternoon. My name is Terence O'Brien. For the past 2 years I have served as Deputy Director of the Plumbing Foundation of the City of New York, Inc. which is a clearinghouse and educational forum for the plumbing industry. The Plumbing Foundation is a nonprofit association of licensed contracting firms, engineering associations, manufacturers, and suppliers whose mission is to ensure the public health through the enactment and enforcement of safe plumbing codes. I am here today to testify in support of Intro. 263, 264, and 268. I am also here to testify on Intro. 271. The Foundation wants to applaud the City for its continued goal of making New York City a Greener City by reducing inefficient water usage.

Intro. 263 strives to reduce the discharge of potable water by restricting the use of potable water in "once-through water cooled"

appliances. This bill would require other methods like air-cooled condensers or condensers that circulate water compared to the potable water being used to cool equipment, then discharging the water into the drain. The current method which uses a lot of water for equipment like ice-makers, walk-in coolers, and air conditioning units is not water, "Green," efficient. Intro. 263 reduces the unnecessary use of potable water when there are other, "Greener," methods to cool equipment. The Foundation supports Intro. 263.

Intro.264 amends the Plumbing Code with regard to the regulation of drinking fountains (PC 410). This bill would amend the current code, which allows "bottle water dispensers" to be substituted for up to 50% of all required water fountains. This bill would eliminate the "bottle water dispenser" option and replace it with a provision authorizing purified tap water, thereby reducing the use of plastic bottles.

Intro. 268 will alter, as well as add, sub-sections to Plumbing Code Section 606 (installation of the building water distribution system). To briefly summarize the bill, sub-meters and alarm shut-offs would be required to be installed on certain water-using and water storage equipment. These sub-meters and alarms will make it easier for building operators to better detect when equipment is malfunctioning and/or leaking, which leads to wasted water usage.

However, the current bill does not state whether these monitoring and alarm systems are retroactively required for all equipment, or if only for new construction or alterations, or whether for direct replacement of existing equipment. The Foundation suggests the Council amend the bill to state WHEN these sub-meters and alarms must be installed due to the extreme importance of decreasing the amount of wasted water equipment produces. The Foundation is in favor of this bill but without addressing the “WHEN” this bill will not have a significant impact on water efficiency.

Lastly, we are generally in favor Intro. 271 but we have two objections/points of clarification to the current bill the effective date and the deletion of the provision that allows the use of waterless urinals ONLY when they can demonstrate water savings for that building.

Our first concern is that the current bill requires the plumbing fixtures listed in Table 604.4, to comply with new standards by January 1, 2011. It is unreasonable for the City to require the installation of fixtures that meet these new flow rates in Table 604.4 in less than 7 months. Some products have already been ordered by plumbers but will not be installed until next year. Also, this is not enough lead time for the plumbing industry (the designers: architects & engineers, the installers: the plumbers, the plumbing supply houses) to prepare for this change. Informing the industry of these new restrictions requires notifying thousands of design and installation firms and is timely. In terms of the

supply houses, they have inventory currently in their warehouses that will become useless if this version of the bill becomes law.

Our second concern is that Plumbing Code section Appendix C, C102.1, prohibits the use of waterless urinals unless they are part of a “building’s water conservation plan” approved by DOB. This bill ELIMINATES C102.1 entirely which allows waterless urinals to be installed without the Department of Buildings approval which will cause buildings to be less “Green,” less hygienic, and more costly to maintain compared to ultra low-flow urinals. Deletion of C102.1 would allow waterless urinals to be installed in any location throughout the City.

When first introduced 10-15 years ago, waterless urinals sounded like a good thing. They were touted by companies wanting to sell their product. Unfortunately, vastly inflated water conservation claims were made comparing the use of 3.0 gallon flush urinals to “no water” urinals. Using those numbers the water savings achieved were great. The fact is that the industry now uses .125 gallon flush (1 pint) urinals so the water savings

achieved when using waterless urinals is negligible. Also, the “water less urinal industry” downplayed the health, cost and maintenance impact of waterless urinals. In settings where maintenance is easy to control (e.g. stadiums where the usage is limited to, at best, just a few hours or fancy restaurants) sanitary concerns can be fairly easily addressed. In other settings, notably office buildings, waterless urinals have been a DISASTER.

This past February CNN had a report about how the California EPA ended a 6 year trial of waterless urinals in its headquarters, which resulted in all 56 waterless urinals being replaced by more conventional urinals. This replacement is ironic for an agency whose goal is water reduction. Due to the poor hygiene of waterless urinals and new water efficient urinals that use only a pint of water, the California EPA had to spend tens of thousands of dollars to get rid of waterless urinals at its headquarters.

Waterless urinal hygiene problems and concerns are not limited to outside New York City. The City’s own Department of

Health and Mental Hygiene wrote a memorandum to the Department of Buildings on June 9, 2006 stating its concerns of allowing unrestricted use of waterless urinals. C102.1 ONLY allows waterless urinals to be site-specific in a DOB “approved water conservation plan,” DOHMH supported that provision because in these site-specific installations, the City could require the “...manufacturer maintenance and operation requirements must be followed, including cleaning with proper chemicals and scheduling of maintenance.” By allowing waterless urinals to be used anywhere in the City, the hygiene concerns expressed by the Department of Health cannot be addressed.

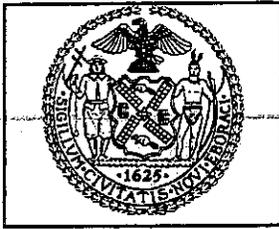
Also, waterless urinals are not as “Green” as people think. These urinals require chemical cartridges, which are plastic and non-recyclable, and usually need to be replaced on a quarterly basis. In some instances where these urinals have high usage (i.e. stadiums) these cartridges are replaced at an even higher rate. Also, waterless urinals have an extreme negative impact to a building’s existing copper piping. According to a February 7th

news report regarding Chicago's City Hall, waterless urinals were replaced due to odor and corrosion of the building's piping system. In that news report the U.S. Army Corp of Engineers specifically stated that waterless urinals corrode piping. How can a product be considered "Green" if it results in repiping a building, and the introduction of more plastic?

Lastly, this version of the bill also does not state whether these new restrictions are for only for new construction or alterations, or whether for direct replacement of existing equipment. Knowing when this applies is a major issue for the plumbing industry in addition property owners and property managers.

We applaud the City Council for thinking "Green" by decreasing the maximum amount of water (gallons per minute) certain plumbing fixtures can use but we ask the City Council to extend the effective date until July 1, 2012. The July 1, 2012 will give enough time for all parties of the plumbing industry to become informed about and prepare for these new restrictions.

More importantly, the deletion of C102.1 is an ineffective method to the “Green” movement, a movement the plumbing industry otherwise fully supports.



THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

Thomas R. Frieden, M.D., M.P.H.
Commissioner

NYC DEPT. OF BUILDINGS
TECHNICAL AFFAIRS
RECEIVED 7265

nyc.gov/health

2006 JUN 20 P 4:40

June 9, 2006

Fatma Amer, P.E.
Acting Deputy Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007-1801

RE: Installation of Waterless Urinals as Part of a Water Conservation Plan

Dear Deputy Commissioner Amer:

The New York City Department of Health and Mental Hygiene (DOHMH) has received your letter dated February 1, 2006 regarding the NYC Dept. of Design & Construction's (DDC) request for NYC Department of Building's (DOB) approval to install waterless urinals in their offices. Various independent assessments have been made by both private and public entities and the technology has been approved by the US Federal government for use in GSA contracts. From our review of these documents (see attached) the use of waterless urinal technology appears to be efficacious and safe for public use. DOHMH has thus concluded that waterless urinals are suitable for wide public use in NYC. However, we want to emphasize the importance of the responsibility of building owners and their associated maintenance companies in adhering to the appropriate manufacturer's recommendations and maintenance.

DOHMH recommends DOB consider a regulation specifying that where waterless urinals are provided the applicable manufacturer maintenance and operation requirements must be followed, including cleaning with proper chemicals and scheduling of maintenance. Additionally, the US Army Corp of Engineers recommends the use of waterless urinals with the following implementation and retro fit applications: ensure correct drain pipe material and slope, eliminate drain pipe obstructions, follow vendor maintenance exactly and upkeep maintenance logs.

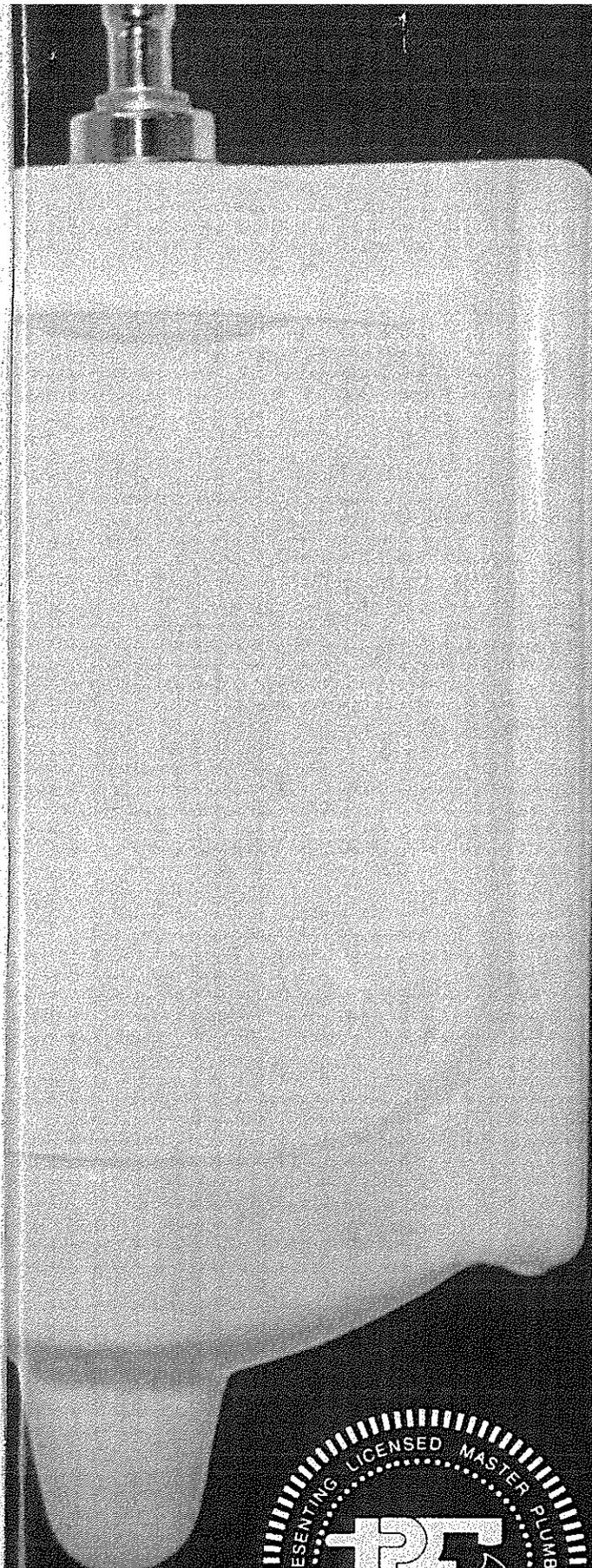
Sincerely,

Jessica Leighton, Ph.D.
Deputy Commissioner
Division of Environmental Health

Attachment

JL/am

Cc: J. Prud'homme, Asst. Commissioner Bureau of Environmental Sciences & Engineering
J. Luke, P.E., Chief Engineer, Public Health Engineering



WATERLESS URINALS. THE WRITING IS ON THE WALL.

ULTRA LOW-FLOW VS. WATERLESS URINALS.
What is the wisest course for an owner/manager?

Does it make sense to risk the serious issues associated with waterless urinals when the proven fail-safe technology of ultra low-flow urinals is available? Ask your plumbing engineer or contractor about the proven advantages of ultra low-flow urinals.

Issues associated with waterless urinals:

ODORS

Strong odors from urine not washed away

CONTAMINATION

Germs associated with urine/spit from infected individuals not washed away

CORROSION AND CLOGGING

Found in copper/metallic drain pipes due to undiluted urine and the clogging of drain pipes due to crystalline build up

HIGH MAINTENANCE COSTS

Cartridge replacement/periodic cleaning costs far higher than projected by manufacturers (some users report that seal cartridges need replacing 3 times as frequently as recommended)

VANDALISM

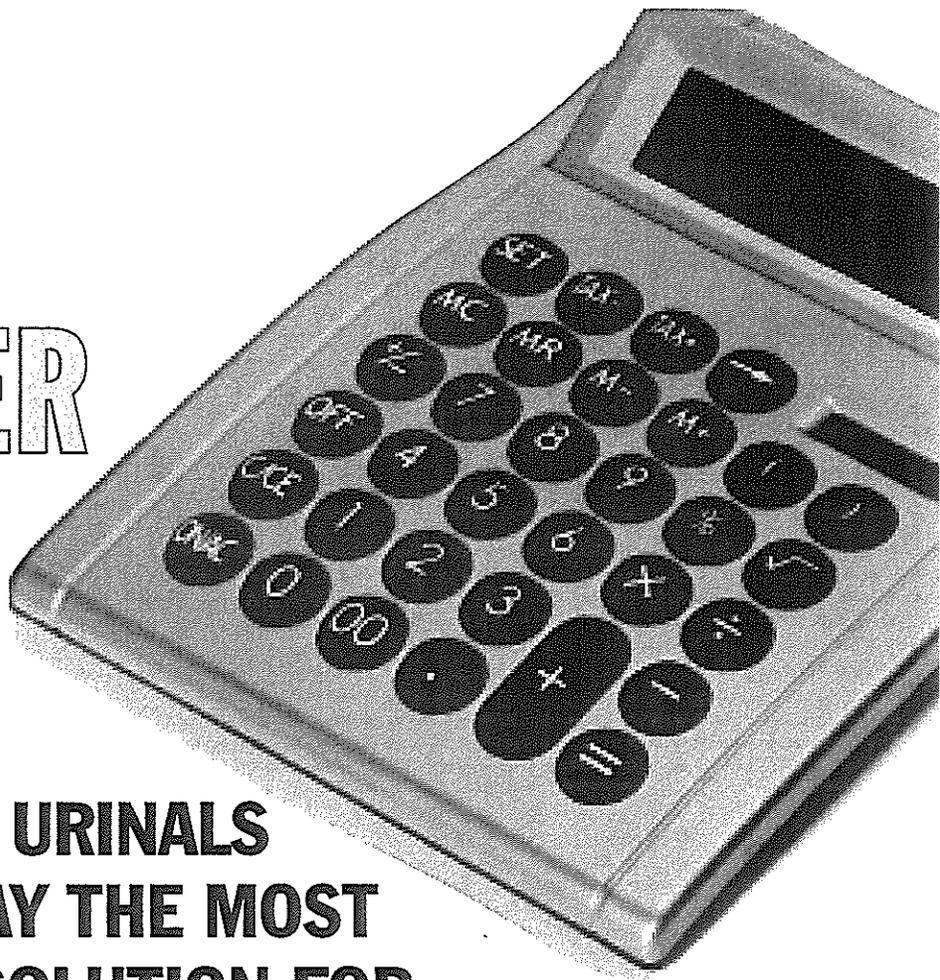
The easily accessible trap is subject to vandalism leading to the potential loss of trap, causing sewer gases to enter bathrooms (water urinals have water traps inside the wall which are replenished automatically and cannot be accessed)

NEGLECTIBLE WATER SAVINGS

Far less than manufacturer projections (some savings projections were based on urinals using 3 gallons per flush)—models are now 0.5 gallons and the city is currently reviewing 0.12 gallon models for approval



NO MATTER HOW YOU ADD IT UP



ULTRA LOW-FLOW URINALS ARE FAR AND AWAY THE MOST COST-EFFICIENT SOLUTION FOR OWNERS AND MANAGERS.

	WATERLESS URINAL	ULTRA LOW-FLOW
Annual Flush Valve Maintenance Cost	—	\$50
Cartridge Cost (year)	\$408	—
Water/Sewer Cost	—	\$23
Total Annual Operating Cost	\$408	\$73
Estimated New System Purchase Price	\$399	\$600
First Year Cost	\$807	\$673
Ten Year Cost	\$4,480	\$1,328

*ultra low-flow urinals can use as little as 1 pint per use

Waterless urinals also require:  Significant maintenance costs
 Training costs. **ULTRA LOW-FLOW URINALS** do not generate any of these added costs, and they regularly achieve the same LEED points for water conservation.

THE CHOICE IS CLEAR:
Ultra Low-Flow Urinals.

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*Testimony before New York City Council
Housing and Buildings Committee
June 22, 2010*

MAURICE J. COSENTINO
Davis & Warshow, Inc
57-22 49 Street, Maspeth NY 11378
(718) 937-9500
mcosentino@dwny.com

RECENT PROFESSIONAL HISTORY

- 12/04 – Present **Davis & Warshow, Inc., Plumbing & Heating Wholesaler - Employee/Owner**
- ◆ Industry representative for implementation of International Building Code into NY City.
 - ◆ Supervising Instructor of NYS Dept. of Health approved cross connection control course for the certification of backflow prevention device testers.
 - ◆ USGBC Silver sponsor, member Plumbing Working Group for industry training of new high efficiency material, equipment and installation practices.
 - ◆ Preparation and completion of USGBC LEED Accredited Professional (AP) qualification.
- 3/03 – 12/04 **NYC Department of Buildings (DoB) - Executive Chief Plumbing Inspector:**
- ◆ Managed 50 employees including Chief Inspectors, Assistant Chief Inspectors, Inspectors, Clerical and support staff.
 - ◆ Chairman (Acting), Vice Chairman - Master Plumber/Fire Suppression Contractors License Board. Chairman - Operations Sub-Committee of License Board.
 - ◆ Project manager for automation of DoB plumbing inspections “PIPES” system including hand-held technology and design of office and field requirements.
 - ◆ DoB representative for implementation of International Building Code into New York City.
- 6/93 - 3/03 **NYC School Construction Authority (SCA) - Technical Inspector:**
- ◆ Lead Plumbing inspector, Acting Managing Inspector.
 - ◆ Performed complex construction inspections and used quality assurance methods to ensure installation compliance with: NYC Building Code, SCA, Board of Education, NYS DEC regulations, NYS Industrial Code, NYS Dept. of Health, NYC BAR Engineering Criteria, NFPA, Gas utilities, OSHA, and ASME regulations.
 - ◆ Authorized by NYC Department of Buildings (DoB) to perform official duties of Plumbing Inspector including DoB sign-off of plumbing, fire protection and boiler/fuel oil installations; under the Memorandum of Understanding between SCA and DoB.

PROFESSIONAL STATUS

USGBC Leadership in Energy & Environmental Design Accredited Professional (LEED AP)
NYS Dept. of Health Certified Backflow Prevention Device Tester No. 6715
NYC Licensed Master Plumber Number 1114
NYC Licensed Oil Burner Installer Number 4236B
NYC Licensed Master Fire Suppression Piping Contractor Number 385B
Member Plumber's Local Union Number One
NYS DOL Division of Health and Safety (US EPA) Asbestos Inspector
NYS Dept. of State Notary Public
Officer, Civil Air Patrol (USAF Auxiliary), FAA Private Pilot

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It is my duty and honor to testify before the New York City Council Committee on Housing and Buildings with regard to the following:

1. Int. No. 0263-2010 by Council Member Dickens:

A Local Law to amend the NYC plumbing code, in relation to **reducing the waste of drinking water used for cooling**. I am in favor and support this legislation; based on drinking water efficiency, and **prohibiting the use of potable water for "once-through" cooling** of process equipment.

2. In. No. 0264-2010 by Council Member Eugene:

A Local Law to amend the NYC plumbing code, in relation to **drinking fountains**.

I am in favor and support this legislation, based on the **drinking water efficiency, less reliance on bottled water and health and hygiene issues**.

3. Int. No. 0268-2010 by Council Member Lander:

A Local Law to amend the administrative code of the City of New York in relation to **preventing water waste in buildings by mandating sub-metering on high use equipment**.

I am in favor and support this legislation, based on drinking water efficiency and **use measurement using approved sub-meters**.

4. Int. No. 0271-2010 by Council Member Lappin:

A Local Law to amend the New York City plumbing code and the administrative code of the City of New York, in relation to **enhancing water efficiency standards** by making it unlawful to buy or sell any fixture which does not comply with the proposed consumption requirements. I am in favor and support this legislation, based on the **drinking water efficiency using very low flow plumbing fixtures with two exceptions**:

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1. Non-water urinals must remain as part of a water conservation system i/a/w NYCPC C102.1; based on track record of limited applicability of non-water urinals. I caution the Council of the many technical reasons the Plumbing Technical Committee approved non-water urinals utilized only as part of an approved building water conservation plan. Some concerns the Committee reviewed:
 - a. Water uses, global warming, population increases, water utility infrastructure, underpriced water, wasteful practices and the hydrological cycle.
 - b. The effects of very low water use in existing buildings with piping from old Code, which will be oversized, causing the "dry drain" phenomenon with the potential of safety and health problems.
 - c. The original water saving potential has not kept up with new very low flow urinal technology.
 - d. There must be a commitment by building owners for the higher maintenance required for non-water urinals to remain sanitary.
 - e. The many projects that non-water urinals have been installed then removed due to unsatisfactory performance including NY Times building here in NYC and the California EPA headquarters.

Therefore I respectfully submit to the Council, that this issue should reviewed during the three year update of the NYC Plumbing code committee, and NOT the Council at this time.

2. The effective date of January 1, 2011 should be extended to July 1, 2012 for reasons to follow. I respectfully submit to you reasons, based on my professional experience, why the building construction and plumbing industry, City agencies including but not limited to NYC Dept. of Buildings (DOB) and NYC Dept. of Environmental Protection (DEP) will be adversely impacted due to premature implementation of Intro 0271.

*Testimony before New York City Council
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MAURICE J. COSENTINO*

1. Manufacturers have limited offers (approximately 30%) of very low flow equipment at this time and will not be able to provide the needs of the City.
2. Wholesalers have millions of dollars of what will be obsolete and illegal inventory.
3. Architects and Engineers have already specified and approved many projects with fixtures that will not meet the new requirements.
4. Building Contractors will suffer construction delays
5. Plumbing Contractors will not be able to legally complete contracts using non-complying fixtures.
6. City agencies will need additional resources to manage the abrupt change to approved materials; including but not limited to, amendments to existing applications, permits, inspection protocols and administration.
7. Building owners will incur cost overruns and be subject to violating the new Local Laws.
8. City Council will be in the media spotlight and subjected to many questions as the City grinds to construction delays and cost overruns.
9. The City has suffered similar implementation precedents as LL29-89 (the first low-flow fixture initiative) phased in over five or more years. Questions still exist every day on low flow fixture compliance.

Thank you for your time.

**TESTIMONY OF ARTHUR KLOCK BEFORE THE COMMITTEE ON HOUSING
AND BUILDINGS OF THE NEW YORK CITY COUNCIL ON JUNE 22, 2010**

Good afternoon. My name is Arthur Klock and I am the Director of Training for Plumbers Local 1 here in New York City. I have been teaching plumbers in New York City for more than 20 years.

I am here today to comment on Intros 263, 264, 268, and 271.

Comment regarding the implementation schedule of Intro 263:

The idea of substituting non-potable water for the potable water currently used to temper hot water, steam or steam condensate before discharging it to a public sewer is commendable and is certainly an achievable goal. The problem is that in most buildings there is currently no suitable source of cool non-potable water readily available for this purpose. It is not acceptable to simply dump hot water, steam or steam condensate into the drainage system. It will be necessary to have an engineer devise an acceptable method of capturing and storing rainwater, gray water, or other cool non-potable water for this purpose, and then have that system installed by a licensed master plumber. Obviously implementation time for this proposal must be extended to allow the building to make the necessary modifications. It is respectfully recommended that the language of Intro 263 be revised to extend the implementation period to a minimum of 2 years after the law takes effect. (January 1, 2013)

Comment in opposition to Intro 264:

It is extremely difficult to understand the language which has been proposed for substitution in Section 410.1 regarding Drinking Fountains. This proposed language obviously needs a re-write so that confusion and misinterpretation are avoided in the future.

On a more specific note, any progress toward a more environmentally friendly code should not allow "bottled water dispensers" of any kind to substitute for required drinking fountains. New York City has a high quality public water system. The negative environmental and social impacts of bottled water and the commoditization of our water supply are becoming more apparent every day. Bottled water undermines confidence in New York City's public water supply and pollutes the environment. Plastic water bottles require tremendous amounts of fossil fuels to manufacture, and transport, and over 80 percent of these bottles end up incinerated, buried in landfills or are discarded on our roadways or in our waterways as litter.

The U.S. Conference of Mayors passed a resolution at their 2008 annual meeting encouraging cities across the country to phase out use of bottled water and promote the importance of strong public water systems. Already, more than 60 major cities have responded to this resolution and have taken common sense actions to protect the environment, save money, and restore confidence in our public water supplies. The New York City Council should take this opportunity to take similar action.

Last year, the American public spent more than \$15 billion buying bottled water. This at a time when our public water systems are in need of increased public support, facing at least an annual \$22 billion

shortfall between what these systems require and what is allocated. Ironically, in 2007, several large water bottlers issued press releases that identified their bottled water sources as being taken from municipal operations.

In 2008, Steven Lawitts, acting Commissioner of the New York City Department of Environmental Protection stated: ***“New York City water is not only good for your health; it’s healthier for your wallet. Drinking two liters of NYC Water each day costs just 50¢ a year, while drinking two liters of bottled water a day can cost more than \$1,400 a year. In addition to being economically prudent, it is also environmentally responsible to drink tap water. Forty-seven million gallons of oil are used to produce all the plastic bottles Americans use each year, which results in one billion pounds of CO2 added to the atmosphere. By drinking NYC Water, instead of bottled water, you can help protect our environment and minimize the likely impacts of climate change on our water supply system.”***

An environmentally responsible code should not allow substitution of required drinking fountains by bottled water dispensers. The City Council should show leadership on this issue by amending the plumbing code in favor of our public water system, and ending the 50% substitution allowance presently permitted under the plumbing code. Unfortunately, Intro 264, even with all its confusing changes, would continue to allow this substitution.

It is primarily for this reason that Int. No. 264 should not be approved, and should be sent back to the drawing board.

Comment in support of Intro 268:

It is extremely difficult to identify the location of leaks, increases or “spikes” in water usage in a large building. The addition of sub-meters for major water consuming applications in buildings will prove an invaluable source of information in the effort to cut water waste and water consumption generally. Sub-metering will make building management professionals aware of how much water each area of the building is using, and the true cost of that usage. Water Auditing, to devise a plan for a building to cut water waste and reduce consumption, requires accurate data. Sub-metering is one of the most important steps necessary to collect that data and facilitate auditing and conservation of this important natural resource. Intro 268 provides the tools to take water conservation to the next level, and should be approved with the added provision that sub-meters be installed only by a licensed master plumber and installed within 20 feet of the equipment or area being metered.

On a technical note, it is recommended that the word “makeup” be stricken from the text for the proposed new section 606.7, as this term is not applicable to items 2, 3, and 4 as listed in the section.

Comment in opposition to Intro 271:

The water use reductions for several types of fixtures in this Intro are positive steps and worthy of support; however, the waterless urinal changes are not well thought out. The waterless urinal is promoted by its proponents as the ideal in water conservation, since it is a plumbing fixture that uses no water. To the average person this sounds as good as a light bulb that uses no electricity. The problem is that there are hidden economic and environmental impacts associated with waterless urinals.

The secret of how waterless urinals work is not really a secret. Almost everyone knows that oil is lighter than water and will float on top of water when the two are in contact. Waterless urinals work by having a quantity of oil captive in the fixture trap. Some waterless urinals have an integral trap, while others use a disposable plastic cartridge as a trap. When urine enters the trap, it simply passes through the oil in the trap and emerges, undiluted, on the other side in the drain line.

Waterless urinals do not wash themselves down and do not dilute the urine as a conventional fixture does. As there is no wash down function, it is necessary to have someone wipe down a waterless urinal daily with a cleaning solution. Additionally, undiluted urine, upon entering the drainage system, can cause excessive corrosion and seriously shorten the lifespan of drainage piping connected to a waterless urinal.

Another issue is the oil seal in a waterless urinal. It must be periodically replenished according to the amount of usage it receives.

In waterless urinals with an integral trap, a janitor must periodically flush out the old oil by pouring a full bucket of water down the drain. Then the trap must be re-sealed by pouring a new quantity of oil into the trap.

In the case of a waterless urinal which uses a removable plastic cartridge, the complete plastic cartridge containing the sealant oil must be physically removed, disposed of in the trash, and replaced by another on an ongoing basis. This results in increased landfill of non-biodegradable plastics.

Recent developments in conventional urinal flush valve technology have dramatically reduced the amount of water necessary for a self-cleansing, conventional style urinal which does not consume trap-oil or plastic cartridges. These new urinals function admirably on only 0.125 gallons per flush. That's just one pint of water. One pint urinals are the smart choice economically as well as environmentally, and will prevent the corrosion and subsequent repairs which may result from a waterless urinal's discharge of undiluted urine into the drainage piping.

The hidden impacts associated with waterless urinals, in man-hours, in chemical cleaning solutions, in trap oil replenishment and disposable plastic cartridges, and in potential piping damage, make the overall benefits of waterless urinals extremely questionable. Waterless urinals should only be permitted as part of an approved building water conservation plan. Accordingly, section C102 (Waterless Urinals) of the New York City plumbing code should not be deleted, and therefore Intro 271 in its present form should not be approved.



**Testimony of Sylvester A. Giustino, Director of Legislative Affairs
Building Owners and Managers Association of Greater New York, Inc.**

Council of the City of New York

Committee on Housing and Buildings

**Hearing in relation to Prop. Int. No. 87-A, Int. No. 262, Int. No. 263, Int. No. 264, Int.
No. 266, Int. No. 267, Int. No. 268, Int. No. 271, Int. No. 273 & Int. No. 277**

June 22, 2010

Good Afternoon, Chairman Dilan and members of the Committee, my name is Sylvester Giustino, Director of Legislative Affairs for the Building Owners and Managers Association of Greater New York, Inc. (BOMA/NY), which represents more than 700 owners, property managers and building professionals who either own or manage 400 million square feet of commercial space. We're responsible for the safety of over 3 million tenants, generate more than \$1.5 billion in tax revenue and oversee annual budgets of more than \$4 billion.

We commend the Bloomberg Administration for taking the lead in proposing a bold program to make existing buildings more energy efficient. BOMA/NY firmly stands behind the concept of greening our City—and we do that *every day* in the buildings we own and manage.

Our members have voluntarily pursued and received LEED, Energy Star and ISO 9001 certification—the gold standards in energy and environmental conservation whose requirements often exceed the requirements contained in the proposed legislation we are discussing today.

BOMA/NY has been an active participant on the Industry Advisory Committee of the New York City Green Codes Task Force. We would like to thank Laurie Kerr and her team for allowing us to share our insights and incorporating them in the legislation.

With minor exception, we support the proposed legislation. The specific bills before you today amend sections of the Construction Codes. While

**BUILDING OWNERS AND MANAGERS
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this legislation should be commended, they are a minimal representation of what could be required of green, sustainable and high-performance buildings. A code like the IgCC is needed to make the bold move necessary to “green” existing buildings.

BOMA/NY knows that by making buildings more resourceful is the single biggest step New York can take to achieve its sustainability goals and remain competitive as the business capital of the world. We look forward to working with the Bloomberg Administration, the City Council and our industry partners in making a greener New York a reality.

####



June 22nd 2010

Testimony of Charlotte Matthews
Vice President – Sustainability
RELATED COMPANIES

Before the Committee on Housing and Buildings
in support of Int. 262, 263, 264, 266, 267, 268, 271, 273 and 277

Good afternoon, my name is Charlotte Matthews and I am the Vice President for Sustainability for Related Companies. I am pleased to be here today to testify on the very important bills under consideration today.

Related is a real estate developer, owner and manager of a diverse portfolio valued at over 12 billion dollars that includes affordable housing, market rate multifamily, commercial office, hotel, mixed use, big box retail and cultural institutions. We completed our first LEED-green building in 2004 –not too far from here, in Battery Park City-- and are now in construction on our 12th -up on the Westside at 42nd Street. We have instituted energy and water efficiency upgrades and rolled out green operation protocols across our portfolio of managed assets.

Due to our green building experience and general support for greener building codes, particularly where energy use is concerned, we have been integrally involved in the development of the code modifications under discussion today. We were members of the Green Codes Task Force, an outspoken supporter of the Task Force's mission and first crack at greening New York City's building codes, and we continue to be very active in the industry review process the City Council and the Mayor's Office of Long Term Planning and Sustainability have undertaken. We have been confident –and feel even more so today based on the quality of this legislation- that the process would result in rationale, affordable and enforceable green building codes.

With the sole exception of Intro 263, our experience confirms that the code modifications under discussion today will result in healthier and more resource efficient buildings and place no undue burden on developers and building owners. For Intro 263, we would like to join the Mayor's office, REBNY and other members of the industry in recommending the deletion of a line prohibiting use of domestic water for once through cooling, and also second the industry's concerns that eliminating once through cooling systems will be infeasible for some existing buildings, and thus this code modification should be limited to new construction, or otherwise amended.

Greening New York City's building codes is vital to achieving the sustainability goals of PlanYC and ensuring all New Yorkers live, learn and work in healthy buildings. Related takes great pride in our involvement and contribution to date and looks forward to continued work with the City Council, Mayor's Office, Urban Green and our industry in realizing the promise of this effort.

Thank you.



**Testimony of Russell Unger
Executive Director, Urban Green Council
Chair, NYC Green Codes Task Force**

Before the New York City Council Committee on Housing & Building

June 22, 2010

Good afternoon Chairperson Dilan and members of the Committee, my name is Russell Unger and I am the Executive Director of Urban Green Council, the U.S. Green Building Council of New York, and Chair of the NYC Green Codes Task Force. I will be providing testimony on behalf of the Task Force and am joined by Hershel Weiss of the Task Force Water Efficiency Committee and Jack Bailey of the Lighting & Daylighting Committee, who will be available to answer any technical questions that you may have. I am pleased to express the strong support of Urban Green and the Task Force for all the bills under consideration during this portion of the hearing.

Let me begin by congratulating and thanking the City Council and Mayor's Office for where we are today. It is unheard of for a blue ribbon commission to release a large, complex report and find only 5 months later that the legislature is ready to act on multiple recommendations. The Council and Mayor's Office have

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dedicated enormous resources to reviewing our report, convening weekly meetings with stakeholders since early spring. Again, thank you.

I would like to single out Int. No. 267 for special comment. It which would add three words - "and the environment" - to the purpose section of the construction codes. This small change goes to the heart of the Green Codes Task Force: a recognition that society's values have changed and we face different risks today, including climate change and air pollution. Just as New Yorkers need buildings that won't fall down, they also need energy bills they can afford. They need interior air that won't make their children sick or aggravate their asthma. Greening the codes will also ensure that all New Yorkers benefit from green building, and not just those who can afford to live in our highest end building. Ultimately, green codes is about social equity.

We have technical suggestions to refine language in the other bills, which we would be pleased to discuss with the City Council. Our only substantive comments concern Int. 271 and Int. 263.

Int. 271 reflects Task Force recommendation Water Efficiency 1. That recommendation included a proposal to limit the number of showerheads that can operate simultaneously per shower compartment to just one. In the 1990s, Congress passed limits on the flow rate of showerheads in order to reduce water

use in showers. Unfortunately, a growing trend among high-end buildings is to install multiple showerheads in each shower, thereby undermining the intent of Congress. The Task Force recommended language to address this issue, which is akin to that recently enacted by California under its CalGreen standard. We would also recommend a corresponding prohibition on the sale of the devices that allow the attachment of more than one showerhead to a single shower outlet.

We understand that some developers are concerned that this provision in Water Efficiency 1 would make them unable meet market expectations for high-end showers, particularly in hotels. If the City Council wishes to accommodate those concerns then we recommend a more tailored approach, such as one that would only exempt hotels or other uses.

Our second substantive comment concerns Int. 263, which implements Task Force recommendation Water Efficiency 6, and was intended to prohibit the waste of potable water to cool condensers of air conditioning units, ice makers, and similar devices. We recommended deleting the sentence "Once-through cooling also includes the use of potable water to temper hot water or steam before discharging to a sanitation drain." As written, this provision would make most of the Con Ed steam systems in the City illegal.

Thank you for your consideration and the Council's leadership on green codes. I and my colleagues from the Task Force are available to answer any questions you may have.



**Testimony of Bomee Jung
Senior Program Director, Green Communities
Enterprise Community Partners**

**Before the New York City Council Committee on Housing and Buildings
in support of Proposed Intro's 262, 263, 264, 266, 267, 268, 271, 273, and 277**

Thank you for the opportunity to give this statement in support of these intro's to enable greater energy efficiency by updating the building and administrative codes of the city.

Enterprise has been a national innovator in creating affordable homes and revitalizing communities for 25 years. Since our inception, we have invested \$2 billion towards 30,000 affordable home in New York. With the launch of the Green Communities initiative in 2004, Enterprise made an early commitment to improving the health and environmental performance of the homes we help to build and preserve. Enterprise now plans to green 100% of our products, services, and advocacy by 2013. The reason for our expanded commitment is simple: building green makes sense for affordable housing.

Enterprise has worked with various agencies at the State and local levels to meet our national commitment to making "green" and "affordable" housing one and the same. Enterprise is an active member of the Industry Advisory Committee of the Green Codes Task Force. We are also working to support the Department of Housing Preservation and Development's green initiatives.

I thank the Green Codes Task Force for the extensive outreach and stakeholder process it has conducted, and would like to offer the following specific comments:

Int. 273: Lighting of temporary walkways at construction sites

This intro adds a definition of 'photosensor' to the building code and amends the method by which the amount of lighting required is measured. While we support these changes, we find that the proposal could be strengthened in three aspects:



First, specifying the minimum level of illumination required at the walking surface may not be sufficient to achieve the intended result of reducing energy consumption. For example, under the proposed language, sidewalk shed lighting may provide 1 foot candle of light in one area while providing much more light in an adjacent area. I urge the committee to consider modifying the language to be consistent with the recommended practices of the Illuminating Engineering Society of North Americas (eg. RP 33): specify both the maximum illumination level and uniformity ratios.

Secondly, the measure could both meet the energy efficiency goal and enhance safety and comfort of pedestrians and drivers by addressing glare and light trespass from sidewalk shed lighting. I encourage the committee to consider specifying that visible glare from an exposed light source, including refractive parts, be shielded by opaque means from any location off the originating property or into roadways. Requiring fully-shielded lighting would ensure that light is directed to the walking surface without causing undesirable glare and light trespass. Such an addition would be consistent with any future initiatives to reduce light pollution.

Finally, the flexibility of this measure would be enhanced by including energy efficiency-enhancing control devices other than photosensors, such as commonly used controls that calculate night hours by latitude and longitude. These controls may be a frugal alternative to photosensors, and have the advantage that their performance is less likely to be impacted by variations in installation (such as a photosensor installed in the shade).

Int. 268: Preventing water waste in buildings

Regarding sub-metering makeup water supplies to boilers, we ask that the department of environmental protection be directed to include both remote-read and non-remote-read submeters for the list of submeters. Submetering the makeup water line is an important component of enabling informed and responsible property management; however, remote-read submeters may require investments in technology and networking infrastructure beyond the financial means affordable housing. Therefore, it would be desirable that low-cost, low-tech alternative be available in complying with this measure.



Int. 277: Improving lighting efficiency in dwellings

This measure states that “Automatic, occupant sensor or photo- sensor lighting controls may be installed to operate lighting fixtures in *mechanical equipment rooms, storage rooms, and laundry rooms*”, but does not specifically allow equivalent controls to be used in stairwells and hallways. In residential buildings, lighting in stairwells and hallways represent the lion’s share of the common area electric use for lighting. The omission may lead to an erroneous interpretation of this provision that such controls are disallowed in hallways and stairwells, and thereby fail to achieve the intended energy saving goals. We ask that the language be revised to specifically allow equivalent light controls in hallways and stairwells.

Int. 271: Enhancing water efficiency standards

The standards applicable to residential buildings proposed in this measure are consistent with the Enterprise Green Communities Criteria.

The Enterprise Green Communities Criteria is the nation’s only comprehensive framework for bringing the health, economic and environmental benefits of green to affordable housing — to date, nearly 16,000 homes in 360 development projects around the country meet the Criteria. HUD has adopted the Criteria as a requirement for capital grant funding for public housing authorities. Many States and cities have adopted, or are in the process of adopting, the Criteria, and at least 40 housing finance agencies have adopted portions of the Criteria as part of their scoring systems for awarding allocations of Low-Income Housing Tax Credits. New York City and New York State are among those that use the Enterprise Green Communities Criteria as the green standard for their QAPs, and all new construction and substantial rehabilitation projects receiving HPD funds will meet the Criteria starting this year.

In our experience, the water standards applicable to residential buildings proposed in this Intro are achievable at virtually no additional cost.

Thank you for your leadership in improving the energy and environmental performance of New York City.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. ^{262,266} ~~267,273,277~~ Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: JACK BAUFEN

Address: 25 MONROE PLACE, BKLN NY 11201

I represent: ONE LUX STUDIO

Address: 39 WEST 13th ST 10011

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. ^{Green} ~~Codes~~ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Hershel Weiss

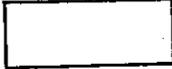
Address: 515 Third Ave

I represent: Ashokan Water

Address: 515 - 3 Ave Brooklyn

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: Angela Sung

Address: 570 Ave

I represent: Real Estate Board of NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/22/2010

Name: Russell Under (PLEASE PRINT)

Address: 1 Bowling Green

I represent: Urban Green Council

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/22/10

Name: Laurie Kerr (PLEASE PRINT)

Address: _____

I represent: Mayor's Office

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/27/10

Name: John Lee (PLEASE PRINT)

Address: _____

I represent: Dept of Buildings

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Dottie Harris (PLEASE PRINT)

Address: _____

I represent: ICC

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 263 ~~--- 211~~ Res. No. _____

in favor in opposition

Date: _____

Name: PHYLLIS MATTHEWS (PLEASE PRINT)

Address: 60 COLUMBUS CIRCLE

I represent: RELATED COMPANIES

Address: Same as above

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 263, 4, 8, 211 Res. No. _____

in favor in opposition

Date: 22 June 2010

Name: MAURICE COSENTINO (PLEASE PRINT)

Address: _____

I represent: DAVIS + WATSON INC

Address: 57-22 49 ST MASPETH NY 11378

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ^{263 267} 267 271 Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: TERENCE O'BRIEN

Address: 44 West 27th St Fl 12 10001

I represent: Plumbing Federation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 87-A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mitchell Posilkin

Address: _____

I represent: RSA

Address: 123 William St NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 87A Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: Erica Stallings

Address: 192-25 GCP, Kew Garden Hills, NY 11435

I represent: New York Immigration Coalition

Address: 137-139 West 25th St, 12th Fl, NY, NY 10001

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 87 Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: John Whitlow

Address: 301 Grove Street

I represent: Make the Road NY

Address: 301 Grove street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 87 Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: Maria Najera

Address: 1498 Dekalb Ave # 3C Brooklyn, NY

I represent: Make the Road New York

Address: 301 Grove St. Brooklyn, NY 11237

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 271 Res. No. _____

in favor in opposition

Date: 6-22-10

(PLEASE PRINT)

Name: Charles Hernandez

Address: 1921 Rowlings Rd. Rollins Meadows

I represent: Plumbing Manufacturers

Address: Institute

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 264 Res. No. _____

in favor in opposition

Date: 6-22-10

(PLEASE PRINT)

Name: Charles Hernandez

Address: 1921 Rowling Rd.

I represent: Plumbing Manufactures Institute

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 37-A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CHRISTOPHER GONZALEZ / ~~HPD~~

Address: 100 GOLD ST

I represent: HPD

Address: 100 Gold St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sylvester Gusting

Address: BONAVILLE

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 87-A Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: MICHAEL GRINTHAL

Address: 365 CLINTON AVE 10C, BKN 11238

I represent: SOUTH BROOKLYN LEGAL SERVICES / LGL SVCS NYC

Address: 105 COURT ST, BKN, 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 87-A Res. No. _____

in favor in opposition

Date: 6-22-10

(PLEASE PRINT)

Name: Dave Hanzel

Address: 50 Broad St. Suite 1125, NYC 10004

I represent: ANHO

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARIA MAISONET

Address: 225 VAN PALIA AVE BROOKLYN 11239

I represent: New York Communities for Change

Address: 2-4 NEWS ST, BROOKLYN 11217

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 270 Res. No. _____

in favor in opposition

Date: 6/23/10

(PLEASE PRINT)

Name: Lt. Christopher Zimmerman

Address: CO, Missing Persons Squad.

I represent: NYPD

Address: Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ~~263~~ ²⁶⁴ ~~268~~ ²⁷¹ Res. No. _____

in favor in opposition

Date: 6/22/10

(PLEASE PRINT)

Name: ARTHUR KLOCK

Address: 4 DALEWOOD LANE VALHALLA N.Y.

I represent: PLUMBERS LOCAL 1 OF NYC

Address: 37-11 47TH AVE

◆ Please complete this card and return to the Sergeant-at-Arms ◆