TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
NEW YORK CITY DEPARTMENT OF BUILDINGS
MELANIE E. LA ROCCA, COMMISSIONER
JANUARY 27, 2020

Good morning Chair Cornegy and members of the Committee on Housing and Buildings. I am Melanie E. La Rocca, Commissioner of the New York City Department of Buildings ("the Department"). I am joined today by Gus Sirakis, the Department's First Deputy Commissioner and Gina Bocra, the Department's Chief Sustainability Officer. Together, we are pleased to be here to offer testimony in support of the revisions to the New York City Energy Conservation Code ("Energy Code") and to discuss façade inspections.

Before I discuss the Energy Code, I would like to thank you, Chair Cornegy, along with all of the members of the Committee on Housing and Buildings, for your partnership on the revisions to the New York City Plumbing Code, which were approved by the City Council last month. The New York City Construction Codes ("Construction Codes") are the backbone of New York City's built environment. They, coupled with the New York City Zoning Resolution, which we are responsible for interpreting and enforcing, physically make New York City the place it is today. The Construction Codes, including the Energy Code, are revised periodically to ensure that they are up-to-date, that they reflect advancements in technology, as well as the latest safety standards for building construction. The recently adopted revisions to the New York City

Plumbing Code are the first step as the Department works to update the Construction Codes to ensure the City's built environment – with its more than one million buildings and 45,000 active construction sites – is as safe as can be.

Today, the Committee has before it, **Intro. Number 1816**, which updates the Energy Code. In addition to bringing the Energy Code up to date with the 2020 New York State Energy Conservation Construction Code ("the New York State Energy Code"), this bill aligns the Energy Code with the latest version of the NYStretch Code. This is a model energy code developed by the New York State Energy Research and Development Authority that provides additional energy savings over the New York State Energy Code. Aligning with the NYStretch Code brings us into compliance with Local Law 32 of 2018 ("Local Law 32"). Local Law 32 requires the Department to submit revisions to the Energy Code to the City Council that align with the NYStretch Code in this revision cycle and in the upcoming revision cycle.

New York City has had its own Energy Code since 2010. The Energy Code, like the balance of the Construction Codes, is periodically updated and was last updated in 2016. It is imperative that the Energy Code be updated periodically to ensure that it is more restrictive than the New York State Energy Code. This is only one piece of the work the Department is doing to address greenhouse gas emissions coming from buildings, the largest source of emissions in New York City, which I will discuss in further detail momentarily. This Energy Code revision process began in early 2018. It involved over 48 industry professionals and stakeholders who volunteered their time to participate in the process and who sat on either the Residential Advisory Committee, or the Commercial Advisory Committee, and who participated in various sub-

committees along with 17 guest experts. Advisory Committees are responsible for reviewing all proposed amendments to the Energy Code and providing comments or recommendations for additional amendments to the Energy Code. Advisory Committee members include registered design professionals knowledgeable in energy efficiency, energy conservation, building design and construction; environmental advocates with expertise in energy efficiency and conservation; construction and real estate professionals; and representatives of labor organizations.

The proposed revisions to the Energy Code are based on the 2020 New York State Energy Code, which aligns with the 2018 International Energy Conservation Code developed by the International Code Council and with ASHRAE Standard 90.1-2016. While the proposed revisions use the 2020 New York State Energy Code and the NYStretch Code as a base, they also modify or add new language to the Energy Code tailored to the unique needs and characteristics of the City's built environment. Together, these changes will result in an average annual energy savings of 13% for new commercial buildings, and an average annual energy savings of 19% for new one- and two-family homes and small apartment buildings. These changes will bring the best in energy efficiency to our building equipment and envelopes, and will ensure that the City's buildings consume less energy as we work towards achieving carbon neutrality.

Highlights of the revisions being made to the Energy Code by this bill include:

- Requiring more efficient lighting power and additional lighting controls for interior and exterior applications;

- Requiring additional thermal envelope performance requirements for buildings choosing to comply with energy modeling;
- Requiring more stringent insulation and fenestration requirements for most assembly types, including requiring continuous insulation for balconies and parapets, as well as documentation of certain thermal bridges;
- Allowing source energy as a metric, instead of energy cost, for buildings choosing to comply with energy modeling;
- Requiring whole building energy monitoring on large commercial buildings;
- Requiring infrastructure for the future installation of electric vehicle chargers in one- and two-family homes;
- Requiring more new construction projects to perform air leakage testing; and
- Requiring more alteration projects to perform commissioning.

In addition to proposing the most stringent Energy Code in the City's history, the Department is hard at work implementing a number of laws aimed at increasing the energy efficiency of our buildings. This includes establishing an Office of Alternative Energy, which will assist with the review and approval of applications submitted to the Department in connection with alternative energy projects, establishing an Office of Building Energy and Emissions Performance, which is tasked with overseeing a program to regulate greenhouse gas emissions from buildings exceeding 25,000 gross square feet, and implementing laws that will require buildings to cover their roofs in solar panels or green roof systems. We will also begin seeing energy grades on our buildings later this year, which will make the energy efficiency of our buildings transparent to the public.

Before I discuss façade inspections, I would like to take a moment to thank the members of the Residential and Commercial Advisory Committees, who contributed their expertise and time to produce the bill before the Committee today.

Turning now to façade inspections, which are required by the Construction Codes to periodically evaluate the condition of certain facades and to ensure that facades are being maintained. In New York City, all buildings greater than six stories, which currently includes approximately 14,500 buildings, must have their exterior walls inspected every five years. These inspections are performed by registered design professionals with relevant experience, referred to as Qualified Exterior Wall Inspectors ("QEWIs"). These inspectors, which are hired by building owners, are responsible for submitting the results of exterior wall inspections to the Department. As part of these inspections, building facades are categorized as safe, which means the façade is in good condition, safe with a repair and maintenance program, which means the façade is in good condition but requires repair and maintenance during the next five years to remain in good condition, or unsafe, which means that the façade presents conditions that must be repaired within twelve months. If the façade is unsafe, the Construction Codes require owners to immediately commence repairs to address unsafe conditions or take steps to protect pedestrians, which most commonly includes installing a sidewalk shed.

The Department takes seriously its responsibility to hold owners accountable for keeping their buildings safe and code-complaint, and to enforce the requirement that all facades be maintained, and that certain facades be inspected periodically. When the Department receives a façade

inspection report, that report is reviewed by a plan examiner and rejected if determined to be inadequate. A rejection could occur if the report omits any required elements or is not detailed enough. Any deficiencies identified in an inspection report must be addressed and an amended inspection report must be submitted to the Department. The Department also performs audits, which include a physical visual inspection by the Department, following the submission of façade inspection reports to ensure that conditions at the building are as described in the report.

The Department issues violations to owners who do not comply with the façade inspection requirements, which includes failing to submit an inspection report to the Department during a reporting cycle. In addition, when an inspection report is not submitted to the Department for a building, the Department will conduct an inspection of that building to determine if the façade presents any hazardous conditions and issues any appropriate violations, which could include violations for failure to maintain. Additionally, the Department may order that pedestrian protections be implemented at that building if required to protect the public. The Department also issues violations to owners who do not file amended inspection reports following an inspection by a QEWI that indicates a façade is unsafe. These amended reports must be filed after repairs are made to a building's façade to correct any unsafe conditions. The Department also performs complaint based inspections of facades and takes enforcement action where it determines that an owner has failed to maintain a building's exterior walls or that an owner has failed to take steps to protect pedestrians.

Before I discuss additional steps the Department is taking in furtherance of façade safety, I would like to acknowledge two recent tragic façade incidents. On December 17, 2019, there was

a façade incident in Manhattan that resulted in the death of a member of the public, Erica Tishman. On January 16, 2020, there was a façade incident in Queens that also resulted in the death of a member of the public, Xiang Ji. The families and friends of Erica Tishman and Xiang Ji are in our thoughts. No pedestrian should be at risk from dangerous façade conditions. I would like to remind owners that they are responsible for maintaining their buildings in a safe condition, which could prevent incidents like these from occurring again in the future.

While the recent incident in Queens is still under investigation, I would like to provide additional background on the incident that occurred in Manhattan in December 2019. This incident involved a piece of façade falling off a building where there were no protections in place for pedestrians, even though the Department had ordered that such protections be implemented following an inspection that occurred months earlier in April 2019. The April 2019 inspection was an audit performed by the Department after a façade inspection report was submitted to the Department for the building. During this inspection, the owner was ordered to make repairs to the façade and to implement safety measures in order to protect the public. A follow up violation was issued to the owner of the building in July 2019 for failure to resolve the earlier violation issued in April 2019. The owner challenged our violations, delayed their hearings at OATH, and failed to implement pedestrian protections as ordered.

Immediately following this incident, the Department performed a sweep of 1,331 buildings. These buildings were previously identified as requiring repair work during required inspections. Of these buildings, 220 lacked proper pedestrian protection and received a violation requiring them to implement protective measures. To date, the owners of 68 of these buildings have

installed appropriate protective measures. The Department has issued Immediate Emergency Declarations for the 152 buildings that have failed to install protective measures, which means contractors will be brought in to perform the work at the owner's expense.

Last month, the Department announced that it is doubling the dedicated façade inspection team and enhancing the façade inspection process. These actions will hold owners accountable for both maintaining their facades and keeping pedestrians safe. Doubling the dedicated façade inspection team means that buildings will be receiving additional proactive inspections from the Department. When the Department issues an immediately hazardous violation for a façade condition, we will be back out there in 60 days, and again 30 days after that, to determine whether proper pedestrian protections are in place. Regular inspections will continue after that point to make sure that required pedestrian protections are in place and that any orders issued by the Department are being complied with.

The Department has also published for adoption its amended rules that enhance requirements for periodic exterior wall inspections and repairs performed by property owners, an effort that has been underway for months. The amended rule will be in effect next month, ahead of the next façade inspection cycle, and includes more hands-on inspections of facades fronting public rights of way, greatly increases penalties for failing to file required façade inspection reports and for failing to make repairs to unsafe façade conditions, adds a new requirement that owners post and maintain a building's facade status in the lobby in a manner similar to elevator certificates, and requires additional experience for façade inspectors hired by property owners.

It is critical that buildings, including their facades, be maintained by owners. Adding more dedicated staff to our façade inspection team means more inspections to hold owners accountable for the conditions of their facades, not just for buildings that must inspect their facades periodically, but across the board. For buildings that are subject to periodic façade inspections, starting next month, those inspections will be required to be more thorough and penalties for failing to file inspection reports or failing to conduct repairs will be stiffer. Safety is a priority for this Department and the failure of building owners to maintain their facades or to keep pedestrians safe is not acceptable. Thank you for holding a hearing on this important issue. I look forward to continuing our work together to improve the Department for the benefit of all New Yorkers.

We welcome any questions you may have.

NYPH
NEW YORK
PASSIVE HOUSE

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January 27, 2020

Robert E. Cornegy, Jr.
Chair, Committee on Housing and Buildings
250 Broadway, Suite 1743
New York, NY 10007

Dear Chair Robert E. Cornegy, Jr.:

An Advisory Committee was appointed by the Department of Buildings to review the proposed code language and discuss amendments. That advisory committee was clear in their recommendation to include the proposed Passive House section as an alternative compliance pathway. The *voluntary* Section R408 Passive House would facilitate and recognize low carbon emitting Passive House buildings in the New York City Energy Conservation Code. The Section R408 Passive House would simplify the electrification and improve the resilience of New York City buildings rapidly. It would support and stimulate accelerated growth of the Passive House design and construction in New York City.

The proposed bill eliminates the very critical Section R408 Passive House as an alternative compliance path of the NYStretch Energy Code-2020. **NYPH does not support the deletion of Section R408 Passive House. Passive House is an accepted building industry standard and has the potential to shift the industry into the high performance building sector. Section R408 Passive House is a critical tool for the building industry to achieve greenhouse gas emission goals established by the City of New York.** Buildings built to the Passive House standard far exceed the requirements of the new NYCECC. Passive House practitioners are at the forefront of energy efficiency in NYC; concerns about lack of understanding by plan examiners would be fully alleviated by the knowledge of licensed professionals. Without reinstating Section R408 Passive House, the city will diminish its obligation to administer and govern the high performance building industry as envisioned in the Climate Mobilization Act.

While the inclusion of R408 would permit Passive House to be applied to residential buildings up to three stories tall, NYPH strongly supports the inclusion of Passive House as an alternative compliance pathway for commercial buildings which represent a more significant area of built square feet and energy use. The application of Passive House to both the residential and commercial chapters of the 2020 NYCECC is a critical strategy to meet the goals of LL97 and the Climate Mobilization Act .

New York Passive House requests the inclusion of Section R408 Passive House into the New York City Energy Conservation Code (NYCECC) and with considerable concern, supports the proposed bill. The bill as it stands, is merely an incremental improvement of the current code. In the face of a climate emergency, we can no longer sustain half measures. We advocate for a bill with the inclusion of Section R408, which will allow our building industry to fulfill the requirements of local laws 32 and 97.

New York Passive House Board of Directors

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SUB-COMMITTEE ON ZONING AND FRANCHISES

April 3, 2018

Richard Kauffman, Chair
New York State Energy Research and Development Authority
17 Columbia Circle
Albany NY, 12203

Dear Chair Kauffman,

I am writing to express my support of NYSERDA's proposed NYStretch Code-Energy 2018. As the lead sponsor of the Council's bill to create a New York City stretch energy code, now Local Law 32 of 2018, I am delighted to see a similarly forward-thinking proposal that will encompass the entire state.

Here in New York City, building emissions account for over 70% of our greenhouse gas emissions. Across New York State as a whole, buildings are responsible for over 50 million metric tons of carbon dioxide emissions every year according to NYSERDA data. While this figure has been declining over the past decade, moreover, it is likely that the volatile weather patterns correlated with climate change will necessitate more fuel consumption as both cold snaps and heat waves become more common. That's why it is especially important that this proposal contains Passive House standards. New York homes and offices will be much better equipped to handle erratic shifts in the temperature under this standard. Finally, as NYSERDA has pointed out, this proposal puts us on the path to achieve a Net Zero Energy code by 2030, keeping us in line with our commitments under the Paris Agreement.

In a time when the federal government has abrogated its responsibility to lead on climate, cities and states have a responsibility to step in and fill the gap. Whether it's promoting renewable energy on homes and businesses, promoting the use of EVs, or greening the grid though REV and other programs, NYSERDA has long been a national leader in making a more green and sustainable future. With the proposed NYStretch Code-Energy 2018, New York State will be that much closer to achieving our environmental goals.

Sincerely,

Costa Constantinides
Chair, New York City Council Committee on Environmental Protection

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Gale A. Brewer, Borough President

June 28, 2019

Andreas Benzing, CPHD | LEED AP
President
New York Passive House Inc.
55 Broad Street
New York, NY 10004

Dear President Benzing:

I am writing to you in support of the New York Passive House application and the expedited approval of the Passive House Planning Package (PHPP) as a calculation software tool and alternative compliance path for inclusion into the New York State Energy Conservation Construction Code (NYSECCC). It is also critical that the proposed Passive House section of R408 in the NYStretch Energy Code become adopted into any jurisdiction in New York State as an alternative compliance path, into the New York State Energy Code (NYSEC), and into the New York City Energy Conservation Code (NYCECC).

In an era where this is a failure of the federal government to acknowledge and lead on tackling climate change, it becomes imperative for cities and states to take action to reduce or avoid greenhouse gas emissions, reduce carbon emissions, invest in renewable energy, and educate the public. And in New York City, building emissions represent approximately 70 percent of total emissions, which is simply unacceptable.

My office has long been a supporter of Passive House and environmental practices that reduce energy consumption. Please see the attached Manhattan Borough Board Resolution in support of the International Passive House Standard for New York City, which I signed in recognition of Earth Day in 2016, and which was supported by all 12 Manhattan Community Boards.

The approval of PHPP as an officially approved calculation software tool option in the State of New York would help make real progress toward New York City's goal of achieving greenhouse gas reductions of 80 percent by the year 2050, and build a greener and more sustainable future for all.

Sincerely,

Gale A. Brewer

Gale A. Brewer

Enclosure

cc: Robert Schneck, Member, Manhattan Community Board 1

BRIAN KAVANAGH
SENATOR, 26TH DISTRICT

THE SENATE
STATE OF NEW YORK

CHAIR
HOUSING, CONSTRUCTION & COMMUNITY DEVELOPMENT

COMMITTEES
CITIES
CODES
CONSUMER PROTECTION
ELECTIONS
ENERGY & TELECOMMUNICATIONS
ENVIRONMENTAL CONSERVATION

September 18, 2019

Melanie E. La Rocca
Commissioner
New York City Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

Dear Commissioner La Rocca:

I write to request that the New York City Department of Buildings give favorable consideration to including the Passive House Planning Package (PHPP) as a calculation software tool and alternative compliance path in the New York City Energy Conservation Construction Code (NYCECCC) to enhance energy efficiency in new construction and retrofit projects. PHPP is a set of design principles and a standard for energy efficiency that enables buildings to be more resilient against power outages and extreme weather. By approving the PHPP, New York City will be reaffirming its commitment to addressing climate change by opening the door to significant energy and economic savings for new construction and retrofits of buildings.

Passive House is a calculated modeling methodology that promotes energy efficiency by emphasizing structural solutions that help to maintain temperature within a building. This includes thermal insulation, high performance windows and doors, airtightness of the building envelope, reduction of thermal bridges, and ventilation, which all prevent heat loss and drafts in the winter, and minimize heat gain during the summer. Conserving energy in this manner reduces monthly utility costs for individual occupants and yields a smaller carbon footprint for entire buildings. Adopting this standard into the NYCECCC would encourage the voluntary construction of more efficient buildings and retrofitting of inefficient buildings. With more than 100 Passive House projects constructed or in development throughout the city, 20 of which are within my district, New Yorkers have begun to recognize these standards as a pathway to reducing energy consumption and carbon dioxide emissions.

Both the New York State Energy Research and Development Authority and Division of Homes and Community Renewal have acknowledged the energy-saving benefits of Passive House standards. Ass you know, Mayor de Blasio signed Local Law 32, requiring the city to adopt a stretch Energy Code with aggressive reductions in 2019 and 2022 and energy performance targets similar to Passive House standards by 2025. More recently, the City Council overwhelmingly passed and the Mayor signed the Climate Mobilization Act, committing the City to reducing carbon emissions by requiring owners of buildings with more than 25,000 square feet to cut emissions by 40% by 2030, and 80% by 2050—a pledge whose $4 billion cost to owners can be offset through energy savings and increases in property values resulting from Passive House standards. Including the Passive House standard in the NYCECCC would be an important step in demonstrating New York's leadership in addressing climate change.

If you would like to discuss this matter in further detail, please contact me directly or via Cleveland Stair in my office at 212-298-5565 or stair@nysenate.gov.

Thank you.

Sincerely,

Brian Kavanagh

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NEW YORK BUILDING CONGRESS

January 27, 2020

New York City Council
Committee on Housing and Buildings
Re: Int 1853-2020

My name is Justin Pascone, Director of Policy for the New York Building Congress. The New York Building Congress is a nearly one-hundred-year-old organization working to encourage the growth and success of the New York City building industry, and the vibrancy of the City at large. We represent more than 500 constituent organizations employing over a quarter million professionals and tradespeople.

Today's building industry has an enormous impact on New York City and our citizens, despite the fact that many of the techniques and practices we employ are stuck in the 20th century. We're encouraged that the Council is considering studying the safe use of drones to perform façade inspections and support their bill to do so. New technologies, like drones, are being used in other cities around the country and the world, and if New York cannot embrace change, we'll be left behind.

Under the City's Facade Inspection Safety Program, more than 10,000 buildings throughout the five boroughs require inspections at least ever five years. These inspections involve a team to erect and climb scaffolding, use a construction lift vehicle—or in some cases rappel down the sides of tall buildings—in order to assess a façade's structural integrity.

Drones offer a 21st-century solution to increase public safety, reduce inspection time and cut construction costs. On sites around the country, drones equipped with sophisticated sensors and cameras fly around and above buildings to generate 3-D models and high-quality images. What would take several days to accomplish under current conditions could take only minutes or hours when completed with a drone and a nearby operator, reducing the use of scaffolding in the public realm and saving both time money for all involved.

Given NYCHA's massive portfolio of buildings, it could be one of the biggest beneficiaries of using drones. With more than 1,500 buildings of 6 stories or more, NYCHA is the city's single largest conductor of facade inspections - conducting roughly 300 inspections per year.

The Building Congress recognizes that the introduction of any new technology in a dense urban setting raises legitimet concerns about potential impacts, but we believe a smart law can address those impacts in a cohesive way.

In addition to the DOB study, we urge the Council also establish a working group of relevant stakeholders, such as engineers, architects, drone manufacturers, NYPD, building owners and qualified inspectors. Together with our partners in government and the industry, it's time we create a safe and sensible system that allows for commercial drone use.

Thank you for the time to be heard on this important matter.

New York City Council - Committee on Housing and Buildings
Oversight - Facade Inspection & Introduction 1853
January 27, 2020

My name is Bryan Lozano, and I'm the Director for External Affairs at Tech:NYC. Thank you for calling this hearing and for the opportunity to testify. I'm here today to voice support for Introduction 1853 and discuss the need for New York to reassess regulations limiting drone usage.

Tech:NYC is a nonprofit coalition with the mission of supporting the technology industry in New York through increased engagement between our more than 800 member companies, New York government, and the community at large. Tech:NYC works to foster a dynamic, diverse, and creative ecosystem, ensuring New York is the best place to start and grow a technology company, and that New Yorkers benefit from the resulting innovation.

Today New York City stands as a global hub for innovation and our vibrant ecosystem is a model for cities around the world. Our city's tech ecosystem has benefited from strong partners in government and forward thinking policymakers. However, when it comes to drones, our city has been behind. Due to an outdated municipal law from 70 years ago—the avigation statute—many professionals are dissuaded from utilizing drone technology in New York City. Drone technologies can benefit a wide array of stakeholders, and they have the capability of allowing businesses, governments, nonprofits, and many others to do their work faster, safer and more efficiently. New York City would undoubtedly benefit from a revised regulatory framework for drones.

Drones can be particularly useful in the construction and building trades. Drones—equipped with cameras and sensors—can be used to quickly, accurately, and cheaply inspect infrastructure—from bridges to buildings. With a large portfolio of aging infrastructure and laws mandating inspections, drones would play an important role in facade inspections and in ensuring the safety of New York City's infrastructure. In cities around the world, drones are

already being deployed for this very purpose and there is no reason this should not be the case in New York.

One of our main objectives at Tech:NYC is to ensure that New York's laws and regulations do not unnecessarily impede innovation; as new technologies are created and developed, it is important for our laws to be updated. This is of the utmost importance if our city is to remain an international hub for innovation.

Introduction 1853 would be an important first step towards updating our laws and we applaud the Council for realizing the potential benefits of drones for building inspections. Thank you.

AIA New York

January 27, 2020

AIA New York Testimony on Intro 1816

AIA New York in consultation with advisors on its Committee on the Environment offers its support for Intro No 1816, which would make NYC's Energy Conservation Code one of the most advanced building energy codes in the country and would make a major contribution toward advancing the goals of energy efficiency and carbon reduction that the city has set for 2030 and beyond. While the new Code takes significant steps to reduce energy consumption and hence emissions, it is not stringent enough on its own to meet the 80x50 goal and the targets set by Local Law 97.

There are many improvements to lighting and mechanical systems that can improve a building's energy performance and the updated regulations do address these to some extent, but as architects we have a particular awareness of the impact a building's envelope can have on energy efficiency, and occupant health and comfort. High performance glazing, more effective insulation, and airtight construction should be the standard for all of our buildings, not just the exceptional few.

The new code does take steps toward envelope improvement, but there is still a long way to go. The argument is often made that setting standards for glazing, insulation, and airtightness will result in significantly higher construction costs and will have negative impacts on real estate values. But in fact, the opposite is true: high performing envelopes lead to lower upfront mechanical costs, increased leasable area, higher productivity from occupants, lifetime energy savings, and increased resilience.

While we think that this legislation is undeniably a step in the right direction and will help architects design better, more energy-efficient buildings, and we are unanimous in our opinion that adoption of the new code is far preferable to the alternative, our enthusiasm for the progress it offers is tempered by the knowledge that it simply does not go far enough to respond to the current climate emergency.

Sincerely,

Benjamin Prosky, Assoc. AIA
Executive Director

Kim Yao, AIA
2020 President

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CHOSHIELDS STUDIO

Q ATELIER ARCHITECTURE, D.P.C. CERTIFIED PASSIVE HOUSE DESIGN www.choshields.com

January 27, 2020, Presenter: Maureen Shea, Project Manager, ChoShields Studio

Request to Reinstate R408 into the NYC Stretch Energy Code-2020

Eliminating R408 Passive House as an alternate compliance path will waste an important opportunity to maximize implementation of the stretch code.

NYCECC's process of frequent updates is bringing the NYC building codes much closer to meeting ambitious goals regarding the energy use of buildings by mandating improvements in insulation, windows, equipment, continuity of air-sealing and mitigation of thermal bridges. However, the frontier in reducing the city's carbon footprint is the actual performance of buildings. The newness and complexity (inherent to the process of ongoing amendment) in the NYCECC require increasing levels of understanding from building professionals. In practice, even good faith efforts to comply with the laws, may not produce buildings that actually meet the stated goals of the code.

As an additional compliance method, the Passive House Standard (and software) can help a wide range of buildings meet the requirements of the evolving codes because it is a holistic system of low energy building design with verifiable performance measured in energy use per sf per year. If R408 is included in the current stretch-code, future NYCECC updates can remove redundant compliance requirements to streamline DOB submissions and include a similar provision for commercial buildings. The buildings which do follow this path are reliably low-energy with clearly verifiable code compliance.

Passive House Strategy for Meeting Energy Targets

- The PH standard, training, and software incorporate building form, siting, envelope design, HVAC, DHW and user behavior to determine the energy performance of a building within a given climate.

- An enclosure-first approach: emphasizes eliminating thermal bridging and quantifying thermal gains to minimize energy demand and enable the use of lower capacity mechanical equipment.

- Promote user health and comfort requiring mechanical ventilation in all certified projects, since this is necessary for health in tighter buildings.

- PH calculations of energy use per sf per year allow comparison with a wide range of world-wide construction. *This performance metric is currently used in the British Columbia Building Code (one of the model codes studied by NYC DOB as an example for development of the proposed Stretch Code).*

- Does not require energy modeling for a theoretical building to compare with a proposed building *(required by ASHRAE, Appendix G).*

- Includes optimization of user behavior for DHW, plug loads, HVAC and fan usage as compared with Appendix G. Lowering discretionary energy use is an important part of meeting energy targets. The New York City 2030 program will depend on reductions in user-determined energy use from tenants.

THE FUTURE OF POSSIBLE

New York City Council

Committee on Housing and Buildings

Int 1853-2020

A Local Law in relation to requiring the department of buildings to report on the safety and feasibility of permitting building exterior wall examinations by unmanned aircraft systems

January 27, 2020

Testimony of

Brendan Schulman

Vice President of Policy & Legal Affairs

DJI Technology, Inc.

Dear Chairman Cornegy and Committee Members,

My name is Brendan Schulman. I am the Vice President of Policy & Legal Affairs for DJI Technology, the world's largest manufacturer of consumer and commercial unmanned aircraft systems, also known as drones. Thank you for the opportunity to share my views on an issue that is critical to New York City.

Prior to taking this position in July 2015, I spent my entire career practicing law right here in New York City, where I founded the nation's very first drone legal practice group. Questions on how to balance public safety, security and privacy concerns with the enormous benefits of drones have been the focus of my career for the past six years.

DJI is the market leader, with an estimated 70% market share, not just because our technology is smart and easy to use – but because consumer and public safety are very important to us. Our GPS-based geofencing system automatically prevents our drones from taking off within, or flying into, sensitive areas such as airports and prisons. Our software requires drone pilots to pass a test about the rules of safe operation before their first flights. Our products include an altitude limitation feature and automatic return to home function for when the battery runs low or radio signal becomes weak. We pioneered the first drone remote identification system which has helped law enforcement and security authorities in New York City help ensure the safety of large public events and sensitive facilities. And we have committed this year to installing helicopter and airplane sensors in our new product models to help avoid collisions. We have done all these things voluntarily, and are proud of the resulting terrific safety record enjoyed by the vast majority of consumer drones in use today.

We've also made drones smaller, and therefore inherently safer. Our latest drone, the Mavic Mini, weighs about half a pound, the same as a couple sticks of butter, and is one of the most popular new products. Aviation researchers and regulators worldwide have determined that drones this small are in the safest category, and don't pose a serious risk of harm to people or aircraft.

We have been very encouraged by the many Council Members who appreciate the amazing potential of drone use. At DJI, a couple years ago, we

started counting the number of news stories about drones that rescue people from peril, such as disasters, fires and floods. These include lost hikers, missing children, and elderly persons with dementia who wander away. Our count is now over 325, and many of those rescues were life-saving. Drones protect priceless property too. Our drones are credited by firefighters in Paris for helping them quickly assess the catastrophic fire at Notre Dame cathedral, and save the two bell towers from collapse.

Façade inspections are just one of countless drone applications available to both the city and private sector. Many drone applications will, indeed, save lives and make jobs safer. Drones can be used to inspect buildings, construction sites, and critical infrastructure without scaffolds or endangering workers. Drones can capture breathtaking images for the film and TV industry or news coverage for media without the noise and nuisance of hovering helicopters. Drones already help NYPD and FDNY but can also help the Parks Department survey for rotting tree branches or invasive species; DOT can inspect bridges, roadways, and tunnels more efficiently and effectively than before; NYCHA can inspect facades, roofs, and water tanks, and DEP can use drones to monitor and remediate environmental conditions. Drones can help students across the city learn about computer coding, robotics, engineering, and aerodynamics. Recreational and educational use is safe, and critical for consumers and career pathways into technology and the future of aviation, and should not be excluded or disfavored in New York City's drone policy.

New York City must embrace and take advantage of this amazing technology. Right now, New York City is interpreting a 1948 law -- that was created to limit the airports where helicopters and airplanes are allowed to land -- as meaning that all drone use is illegal. In fact, the City's stated policy visible on its 311 informational website is "Call 911 to report a drone in use in New York City." This fearful directive is not only the wrong attitude towards new technology, but burdens emergency response resources for no good reason.

The statutory provision I refer to, Administrative Code § 10-126, is an archaic law and outdated policy never designed for "aircraft" that can fit in the palm of your hand. New York City should reconsider this policy, which is also legally questionable, so that the governance of drones in New York is clear and

sensible. We are working with a broad coalition of organizations calling on the Mayor's Office, City Council, and NYPD to reconsider this policy and enact a 21st Century framework for drone use.

Also, airspace is technically the jurisdiction of the Federal Aviation Administration which has crafted regulations that enable drones to be safely integrated into airspace, including over major cities. Local policies that impede air navigation, or impose a near-total ban on the use of unmanned aircraft systems, raise legal concerns that risk making the City unable to take enforceable legal action against actual problematic activity when it occurs.

In October 2018, the FAA received the authority and a directive from Congress to regulate all drones, including those operated for recreational purposes, filling a gap in federal governance that some state and local authorities had expressed concern about. And just recently, the FAA has issued its proposed regulations for mandating drone Remote ID, which will ensure that drones are identifiable to local authorities and that their pilots can be held accountable.

We support this bill, Int. 1853-2020, because it will promote one use of drones that is exceedingly beneficial to the city that I know and have worked in for the past 20 years. But it is only the beginning of what City Council must do to enable New York businesses, educators, and individuals get the most from drone technology. There are so many amazing uses and applications that legislating them one-by-one will lead to confusion and perpetually limit the technology's full potential.

We thank Chairman Cornegy and the Members of the Housing & Buildings Committee for holding this hearing and for focusing on this very important application of drone technology. We urge the Council to also consider a broader framework for drone use in New York City.

Prepared Statement of Diana Cooper before the
New York City Council Committee on Housing and Buildings
January 27, 2020

My name is Diana Cooper, and I am Senior Vice President of Policy and Strategy at PrecisionHawk, one of the country's leading drone software and service providers. I am also a resident of New York City and would like to ensure that this city takes full advantage of the benefits of drone technology.

At PrecisionHawk, we pride ourselves in conducting operations that serve the public interest. We have used drones to support an environmental impact study for the Department of Veterans Affairs West LA Campus. The data collected was used to build a digital twin to support master planning and redevelopment. Drones have a clear benefit in urban design and construction projects in terms of efficiency and safety. Climbing roofs can be hazardous tasks – by outfitting workers with drones, we are helping them perform their jobs more safely.

Drones also play a crucial role in disaster response. After Hurricanes Florence and Michael, we used drones to capture imagery and video of impacted bridges, dams and roads. This enabled real-time decision making about road closures and evacuation routes. The data we captured was also used to extend federal disaster

declaration grants to counties. We also used drones to assist utilities to restore power faster, and to help insurance companies process claims faster.

Although hurricanes are rare in this city, many recall the impact of Superstorm Sandy. If a severe storm returns, drone technology must be empowered to help New Yorkers rescue, restore and recover.

In New York City, the use of drones is hampered by an outdated local law intended for helicopters and airplanes. The manner in which this law is being applied to drones amounts to an effective local flight ban, which is not legally enforceable since the Federal Aviation Administration has exclusive authority to regulate airspace. While major cities such as Los Angeles and Chicago have begun to reap the benefits of this technology, New York City has fallen behind. It is time for New York City to bring this modern tool to its businesses, students, teachers, civil servants, media, artists among others.

For the past year, I have been working with a coalition of stakeholders to help the New York City government better understand drone technology and to adopt a new framework that makes sense. This bill, to enhance the efficiency of façade inspection, is a good start by the City to embrace technology that will save lives. I hope it is the beginning of a broader framework that will enable this City to reap the many benefits of drone technology.

International Code Council
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Chairman, Members and Staff of the City Council Committee on Housing and Buildings, please accept the following testimony in support of Int 1816 - in relation to conforming the New York city energy conservation code to the New York state energy code, which is based on the 2018 International Energy Conservation Code (IECC), with amendments unique to construction in the city and incorporate therein provisions of the NYStretch energy code-2020, and to repeal section 28-1001.2 of such administrative code relating to such conforming amendments.

The International Code Council is a non-governmental organization, driven by the engagement of 65,000 members, that is dedicated to helping communities and the building industry provide safe, resilient, and sustainable construction through the development and use of model codes (International Codes or I-Codes) and standards used in design, construction, and compliance processes. All 50 states, federal agencies, and many global markets choose the I-Codes to set the standards for regulating construction and major renovations, plumbing and sanitation, fire prevention, and energy conservation in the built environment.

The IECC is adopted at the state or local level in 49 states, including the District of Columbia, Puerto Rico, U.S. Virgin Islands, Mexico, Abu Dhabi, Vietnam, and the Caribbean Community and Common Market (CARICOM: 15 Caribbean countries) through the Caribbean Regional Organization for Standards and Quality (CROSQ).

The International Energy Conservation Code (IECC) helps states and jurisdictions reach energy savings, durability, resiliency, and carbon reduction goals and improve national security. The IECC is developed by the International Code Council and is part of a family of fifteen coordinated, modern building safety codes used throughout the world.

The requirements of the IECC help maintain livable temperatures for longer in cases of extreme weather, allowing occupants to “shelter in place”. A study after Superstorm Sandy – which left 8 million without power – showed that new energy codes allowed residents to stay in their homes for more days during blackouts triggered by heat waves or cold freezes.

Passage and adoption of Int.1816, will result in both immediate and long-term benefits to the building owners and tenants: reduced operating costs (energy savings), improved durability, and resiliency.

Energy Savings. Between 2010 and 2040, the U.S. Department of Energy expects that model building energy codes will save homeowners and businesses up to $126 billion in energy costs.

- Jurisdictions that don’t adopt new codes leave significant energy and financial savings “on the table”. Consistent code adoption from 2010 through 2016 represented a national annual energy savings of $1.98 billion.

- Energy use is the single largest operating expense in commercial office buildings, representing approximately one-third of typical operating budgets. Building or renovating to the 2018 IECC

provides owners and operators with significant reduction in utilities costs associated with lighting, heating, and cooling. Buildings constructed to the 2018 1ECC use over 30-percent less energy than those constructed to the 2006 IECC.

- Today, a six-year-old home that was constructed to the 2006 codes instead of the contemporary 2018 version has been using over 30% more energy than needed for the past six years and will continue to do so in perpetuity.

Carbon reduction. To date, the energy code has saved U.S. consumers over $44 billion and avoided 36 million tons of carbon dioxide emissions.

Consumer expectations. Studies have shown both commercial and residential tenants and owners' value and expect efficient buildings. A recent report by the Institute of Real Estate Management and the Institute for Market Transformation shows that approximately 80 percent of survey participants stated that energy management was either "very important" or "important" to their company's business. Tenant Health, Comfort and Productivity. In addition to reduced operating costs, the IECC provisions for natural daylighting support the well-known human preference for natural light, and several studies have demonstrated improved productivity associated with natural light and views. A 15-percent increase in time on-task for an employee with a salary and benefits worth $150,000 offers a potential benefit to the employer of $22,500. In other business sectors, studies have also shown that daylighting improves retail sales.

Ventilation. Provisions of the IECC, IRC and IMC (International Mechanical Code, which is another code the City adopts as part of the Construction Codes), including demand control ventilation, air sealing and commissioning, all support improved air quality and thermal comfort. A study that evaluated the impacts of indoor air quality and work performance, "Sick Building Syndrome" symptoms, employee absence, and thermal comfort of office workers showed the combined potential annual economic benefit of a set of non-overlapping scenarios is approximately $20 billion.

Life Safety, Durability and Resiliency. A recent ICC white paper illustrates resiliency, health and safety contributions of the IECC. Building science informs the IECC, controlling heat, air and moisture in buildings. It controls condensation that could otherwise turn to rot, mold and mildew, harming both the structure itself and the health of the inhabitants. Air management protects the safety of the air occupants breathe and keeps out pollutants and radon from the ground.

The requirements of the IECC help maintain livable temperatures for longer in cases of extreme weather, allowing occupants to "shelter in place". A study after Superstorm Sandy – which left 8 million without power – showed that new energy codes allowed residents to stay in their homes for more days during blackouts triggered by heat waves or cold freezes.

Functionality and Support from ICC, Regional Energy Efficiency Organizations, and USDOE. The stated intent of the code is to "regulate design and construction of buildings for effective use and conservation of energy… "(C101.3 and R101.3) Each new edition of the IECC is correlated and coordinated with the family of I-Codes for that edition. With each code cycle new materials and support tools are developed to assist in code application. The new materials are not developed for out of date codes.

The I-Codes, including the IECC are regularly revised and updated by a national consensus process that strikes a balance between the latest technology and new building products, economics and cost while providing for an acceptable level of public and first responder safety. It is an open, inclusive process that encourages input from all individuals and groups and allows those governmental members that are public safety officials to determine the final code provisions. I am pleased that several Department of Buildings staff participated in the 2018 ICC Code Hearings. The expertise of New York City Building Department, design professionals, builders, contractors, labor representatives and all disciplines interested in building safety and energy conservation are vital to your adoption efforts as well as ours.

Thank you for the opportunity to submit testimony in support of Int.1816. Please do not hesitate to contact me if you need any additional information.

Sincerely,

Dorothy Mazzarella, Vice President Government Relations
International Code Council
dmazzarella@iccsafe.org
518-852-6025

[1] DOE Building Energy Codes Program Impact Analysis: http://www.energycodes.gov/about/results
[1] 2016 Impacts of Model Building Energy Codes https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-25611Rev1.pdf
[1] https://www.energycodes.gov/sites/default/files/documents/State_CostEffectiveness_TSD_Final.pdf
[1] 2016 Impacts of Model Building Energy Codes https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-25611Rev1.pdf
[1] https://www.irem.org/home
[1] HeschongMahone Group, Windows and Offices: A Study of Office Worker Performance and the Indoor Environment, Public Interest Energy Research, California Energy Commission, 2003. Carnegie Mellon Daylighting Study, 2004
[1] HeschongMahone Group, Daylight and Retail Sales, Public Interest Energy Research, California Energy Commission, 2003
[1] Fisk, W., Black, D., & Brunner, G. (201 1). Benefits and costs of improved lEO in U.S. offices.
[1] https://www.iccsafe.org/wp-content/uploads/19-18078_GR_ANCR_IECC_Resilience_White_Paper_BRO_Final_midres.pdf

ACEC New York

American Council of Engineering Companies of New York

Intro 1816 – NYC Energy Conservation Code

Testimony Submitted to the City Council Committee on Housing & Buildings

January 27, 2020

The American Council of Engineering Companies of New York's (ACEC New York) thanks the Committee for this opportunity to submit testimony regarding Intro. 1816, in relation to the New York City Energy Conservation Code.

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

Our Metro Energy Code Committee identified the following issues with Intro. 1816:

- Paragraph C405.2.1.1: Item No. 3 is indented one paragraph too far, and as such incorrectly appears as an exception under Item No. 2, above.
- Table C402.1.3 and 90.1 Section 5.5.1: The table cell for Metal Buildings under Walls, Above Grade, Residential includes for the added R value parameter the quantity: R-19.5ci. This number appears to be in error and should R-13ci.

We respectfully recommend the bill be revised to correct these items.

For further information please contact:

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Bill Murray
NYC Director of Government Relations, ACEC New York
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NYSAFAH

NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

Testimony Submitted to the New York City Council, Committee on Housing and Buildings
January 27, 2020
Re: Int. 1816

We at the New York State Association for Affordable Housing (NYSAFAH) would like to thank Chair Cornegy and the Committee on Housing and Buildings for the opportunity to submit the following testimony.

NYSAFAH is in strong support of Int. 1816, coordinating the adoption of the Stretch Code for New York City with the adoption of the 2020 New York State Energy Code, and want to thank all the many stakeholders who were instrumental in coordinating this effort.

Our members' projects have consistently led the field in energy efficiency, with an aim toward a minimum 15 percent better than current code. Our goal at NYSAFAH is to encourage the industry to continue this trend, and the adoption of the Stretch Code will be a step in that direction. We have been working for many years with both City and State agencies to reduce the carbon footprint and operating costs of affordable housing buildings. This is both the right approach environmentally and economically.

We support the addition of Section R408 Passive House as an alternative compliance path of the NYStretch Energy Code-2020. As more of our members move toward a Passive House-certified model, this step will reduce paperwork to show compliance with the New York City Energy Code.

We appreciate this opportunity to comment to the Council and look forward to our continued work to make New York City a model low-carbon City. Thank you for your time and consideration.

NYSAFAH is the trade association for New York's affordable housing industry, with nearly 400 members, including developers, lenders, investors, attorneys, contractors, architects and others active in the financing, construction, and operation of affordable housing.

Contact: Patrick Boyle, Director of Policy, 646-473-1209

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1816 Res. No. ______

☑ in favor ☐ in opposition

Date: ______

(PLEASE PRINT)

Name: STASH ZAKRZEWSKI

Address: ______

I represent: AIA / NYPH

Address: ______

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Name: GINA BOCCA

Address: Chief Sustainability Officer, DOB

I represent: DOB

Address: ______

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THE CITY OF NEW YORK

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Name: GUS SIRAKIS

Address: First Deputy Commissioner, DOB

I represent: ______

Address: ______

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Name: MELANIE LA ROCCA

Address: Commissioner, DOB

I represent: _____

Address: _____

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THE CITY OF NEW YORK

Appearance Card

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☑ in favor ☐ in opposition

Date: Jan 22 2020

(PLEASE PRINT)

Name: Diana Cooper

Address: 8 Spruce St Suite 14H NYC 10038

I represent: ~~Praesi~~ PrecisionHawk Inc.

Address: _____

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Date: _____

(PLEASE PRINT)

Name: BRENDAN SCHULMAN

Address: 632 BROADWAY SUITE 201, 10012

I represent: DJI TECHNOLOGY INC

Address: 632 BROADWAY, SUITE 201, NYC 10012

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☒ in favor ☐ in opposition

with comment *Date:* 11/27/19

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Name: Andreas Kenzing

Address: 10 8th Ave

I represent: NYPH

Address: _____

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☐ in favor ☐ in opposition

With MODIFICATIONS *Date:* Jan 27 2020

(PLEASE PRINT)

Name: In Cho

Address: 388 Parkside Ave

I represent: CHOSHIELDS STUDIO

Address: SAME.

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THE CITY OF NEW YORK

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☐ in favor ☐ in opposition MODIFICATION

Date: _____

(PLEASE PRINT)

Name: JAY MURDOCH

Address: 1341 G St NW SUITE 1100 WASHINGTON DC

I represent: OWENS CORNING

Address: _____

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THE CITY OF NEW YORK

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☐ in favor ☐ in opposition

Date: 01/27/20

(PLEASE PRINT)

Name: JUSTIN PASCONE

Address: _____

I represent: NEW YORK BUILDING CONGRESS

Address: 1040 AVENUE OF AMERICAS

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1816 Res. No. _____

☒ in favor ☐ in opposition

w/ modification *Date:* 1-27-20

(PLEASE PRINT)

Name: Todd Kimmel

Address: 450 6th Ave. #3

I represent: Rockwool, NY Passive

Address: 450 6th Ave #3 Brooklyn, NY

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1816 Res. No. _____

☒ in favor ☐ in opposition

With modification *Date:* _____

(PLEASE PRINT)

Name: Maureen Shea

Address: 54 S. Elliot Pl #21

I represent: Choshields Studio

Address: 388 Parkside Ave

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THE CITY OF NEW YORK

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☒ in favor ☐ in opposition

Date: 1/27/20

(PLEASE PRINT)

Name: Bryan Lozano

Address: _____

I represent: Tech: NYC

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. 1816 Res. No. _____

☐ in favor ☒ in opposition

Date: 1/27/2020

(PLEASE PRINT)

Name: Martha G (Marty) Salzberg

Address: 535 LINKS DR. EAST, OCEANSIDE NY

I represent: IALD, ASHRAE 90.1

Address: ATLANTA, GA / CHICAGO ILL

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1816 Res. No. _____

☒ in favor ☐ in opposition

WITH MODIFICATIONS

Date: _____

(PLEASE PRINT)

Name: TIM SHIELDS

Address: 388 PARKSIDE AVE

I represent: CHOSHIELDS STUDIO

Address: 388 PARKSIDE AVENUE

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