

COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS  
CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION JOINTLY WITH COMMITTEE ON  
HOUSING AND BUILDINGS

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April 13, 2022  
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HELD AT: REMOTE HEARING - VIRTUAL ROOM 3

B E F O R E: James F. Gennaro, Chairperson

COUNCIL MEMBERS:

Jennifer Gutiérrez  
Kamillah Hanks  
Robert F. Holden  
Ari Kagan  
Julie Menin  
Francisco P. Moya  
Sandy Nurse  
Lincoln Restler  
Pierina Ana Sanchez  
Alexa Avilés  
Charles Barron  
Tiffany Cabán  
David M. Carr  
Oswald Feliz  
Crystal Hudson

COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS

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A P P E A R A N C E S

Rohit Aggarwala, Commissioner Department of  
Environmental Protection  
Constadino "Gus" Sirakis, Commissioner  
Department of Buildings  
Gina Bocra, Chief Sustainability Officer  
Department of Buildings  
Anthony Fiore, Chief Decarbonization Officer  
Department of Citywide Administrative Services  
Vlada Kenniff, Vice President for Energy and  
Sustainability, NYCHA.  
Costa Constantinides, former Council Member  
Louise Yeung  
Donna De Costanzo  
Shravanthi Kanekal  
Carlos Castell Croke  
Michel Yaki  
Brett Thomason  
Bob Friedrich  
Lonnie Portis  
Alex Shapanka  
Chris Halfnight  
Martha Sickles  
Lucia Santacruz  
Pete Sikora  
Jeff Rios  
Warren Schreiber  
Sharon Zea Rincon  
Hannah Birnbaum  
Justin Wood  
Megan Ahearn  
Georgi Page  
Eric E. Weltman  
Shiv Soin  
Karolina Gomez  
Richard Lipsky  
Atalia Howe  
Sonal Jessel  
Jasmine Graham  
Crystal Smith

COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY WITH  
COMMITTEE ON HOUSING AND BUILDINGS

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A P P E A R A N C E S (CONTINUED)

Michael De Valera  
Geoff Mazel  
Iram Amin

1  
2 SERGEANT KOTOWSKI: Computer recording  
3 started.

4 SERGEANT LUGO: Cloud recording is up.  
5 Good morning, everyone. Welcome to today's remote New  
6 York City Council hearing of the Committee on  
7 Environmental Protection jointly with Housing and  
8 Buildings.

9 At this time, would all panelists please  
10 turn on your videos?

11 To minimize disruption, please place  
12 electronic devices to vibrate or silent.

13 If you wish to submit testimony, you may  
14 send it to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Again, that's  
15 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

16 Thank you for your cooperation. Chairs,  
17 we are ready to begin.

18 CHAIRPERSON GENNARO: I need to be  
19 unmuted. Am I unmuted now? Okay, good, okay.  
20 Everybody ready to go? Chair Sanchez. Okay, good.

21 [GAVEL] Good morning. I am Jim Gennaro,  
22 Chair of the Committee on Environmental Protection,  
23 and today I am honored to co-Chair this hearing with  
24 my esteemed Colleague, Council Member Pierina  
25 Sanchez, Chair of the Committee on Housing and

Buildings. For the record, this is an oversight hearing on the implementation of Local Law 97 of 2019, the city's landmark Greenhouse Gas Reduction Law.

On June 7, 2021, just last year, the Mauna Loa Observatory in Hawaii which has compiled atmospheric CO2 data since the 1950s recorded 419.33 parts per million, that's ppm, of CO2 in the atmosphere, the highest CO2 reading since record keeping began. On April 8, 2022, just a few days ago, CO2 emissions were recorded by the National Oceanic and Atmospheric Administration at 420.22 ppm of CO2. It has been estimated by NASA that these are the highest CO2 levels the planet has seen in the past 800,000 years. There was a study published in 2017 in the climate-focused journal, The Anthropocene Review, which estimates that human-linked factors during the past 6 decades are causing the climate to change 170 times faster than they would without human intervention. The effects of climate change disproportionately burden low-income communities, also burden communities of color, children, senior citizens. Low-income communities often lack the financial and community resources to respond to these

1 climate-induced disasters, and such disasters are  
2 disproportionately likely to impact neighborhoods  
3 with environmental justice concerns.  
4

5           According to the International Panel on  
6 Climate Change, keeping worldwide warming of the  
7 planet before 1.5 degrees Celsius, an important  
8 benchmark to avoid less the planet's climate suffer  
9 dire climate consequences, will require reaching net-  
10 0 global carbon emissions by 2050. Certainly, a  
11 daunting task. Local Law 66 of 2014 requires the city  
12 to reduce citywide greenhouse gas emissions to 80  
13 percent lower than its 2005 level by 2050. That's, of  
14 course, the 80 by 50, which was done in 2014. This  
15 requirement to reduce greenhouse gas emissions falls  
16 largely on New York City's one million plus buildings  
17 which are by far the largest source of local  
18 greenhouse gas emissions, approximately 70 percent.

19           It is estimated that more than 90 percent  
20 of New York City's current buildings will still be  
21 standing in 2050. Increasing energy efficiency of  
22 both existing buildings and new construction is  
23 imperative to meet the city's emissions reduction  
24 mandates. Buildings 25,000 square feet or greater  
25 account for the largest proportion of building

emissions in the city and 35 percent citywide  
emissions overall across all sectors.

In 2019, the City Council passed Local Law 97, which sets emissions limits for buildings of 25,000 square feet or larger in order to achieve a 40 percent carbon equivalent reduction by 2030 and to meet an important milestone to meet the overall reduction goal of 80 by 50. There are about 50,000 buildings covered by this law, but together they comprise nearly 60 percent of New York City's building area. This law sets emissions intensity limits for 10 categories of buildings with intensity calculated in metric tons of emissions per square foot. The emissions intensity limit for a specific building is calculated by the relevant building category multiplied by the gross floor area of the specific building. A lot of tech talk. When Local Law 97's emissions goals are met, and they will be met, it will represent a reduction of approximately 17 million metric tons of CO2 per year from a 2005 baseline by 2030. That is the equivalent of removing 3.6 million cars from the road per year. Data analysis suggests that retrofitting all 50,000 buildings covered by the Local Law by 2030 would

1 generate nearly 25 billion dollars of economic  
2 activity and potentially reduce energy consumption  
3 costs of retrofitted buildings by up to 30 percent.  
4 Proper implementation of this Local Law will not only  
5 put New York City well on track to meet its climate  
6 commitments but would also significantly reduce local  
7 emissions to the benefit of public health and the  
8 environment.  
9

10           Some folks don't realize that when you  
11 reduce greenhouse gas emissions you are also reducing  
12 all of the other harmful pollutants that are covered  
13 by the federal Clean Air Act which we're effectively  
14 not allowed to regulate, but, when we reduce CO2,  
15 we're also reducing these other harmful pollutants.  
16 That means we're kind of regulating them through the  
17 back door, but this is to say that we're not only  
18 doing this for the planet but we also generate large  
19 local clean air benefits by reducing greenhouse gases  
20 so it's global and local positive impact. Back to the  
21 script.

22           Of course, implementing Local Law 97 will  
23 generate the green jobs and grow our city's economy.  
24 I'm happy to report that the Council has partnered  
25 with DEP Commissioner Aggarwala and the Mayor's



Office of Climate and Environmental Justice to create a working group to partner with Climate Jobs New York and other organizations who seek to advance the climate jobs agenda. The Council is grateful for this partnership with the Adams' administration and creating good clean jobs in communities where they are most needed. We welcome more partners in this endeavor, and I encourage anybody that is interested to contact my office to engage in this process.

I would like to thank the terrific staff of the Committee who does such great work over the years, Committee Counsel Samara Swanson, Policy Analyst Ricky Chawla, and Financial Analyst Jonathan Seltzer, and, of course, my staff, my Legislative Director Nabjot Kaur and Matthew Malloy who worked very hard on this hearing.

One important housekeeping note I will mention is that in order to get all the organizations who wish to testify on the record without waiting an inordinate amount of time, each organization will be allowed one witness until all the organizations that are here today have been heard. Once all the organizations have been heard, organizations that have more than one witness will have an opportunity

2 to have its second witness or more witnesses if they  
3 so desire to be heard. This is to say that no  
4 organization will be heard twice before all  
5 organizations have been heard at least once. I think  
6 that is fair, and that is how we shall proceed.

7 Let me go to my phone, I hear it going  
8 off because I have to recognize Members. I told them  
9 to send me the Members that are here so we are very,  
10 very grateful to be joined by Council Member Moya,  
11 Council Member Hanks, Council Member Kagan, Council  
12 Member Menin, Council Member Nurse. They're all  
13 Members of the Committee on Environmental Protection.  
14 We also have Council Member Holden, also a Member of  
15 the Committee on Environmental Protection. We have  
16 other Members of the Council and particularly Members  
17 of the Housing and Buildings Committee here. Other  
18 Members that have been sent to me that are here,  
19 Council Members Aviles, Brewer, Caban, Carr, De La  
20 Rosa, Hudson, Council Member Restler, a Member of the  
21 Committee on Environmental Protection who just  
22 joined, and we have Council Member Barron as well.  
23 That is the full list as I have it. I would urge  
24 staff when they see other Members join the hearing to  
25 let me know so I can give them proper recognition.

2 With that, it is really my honor to call  
3 upon my esteemed co-Chair to make her opening  
4 statement so I happily recognized Council Member  
5 Sanchez for her opening statement. Chair Sanchez.  
6 Thank you.

7 CHAIRPERSON SANCHEZ: Thank you so much,  
8 Chair Gennaro. Good morning, everyone. I am Council  
9 Member Pierina Sanchez, Chair of the Committee on  
10 Housing and Buildings. Thank you to my co-Chair,  
11 Council Member Gennaro, for holding this joint  
12 hearing today.

13 Today, the Committees are conducting  
14 oversight on one of the most consequential pieces of  
15 legislation enacted by the City Council in recent  
16 memory, Local Law 97 of 2019. We are facing a climate  
17 crisis, and we must entirely transform our economy,  
18 our society, and our entire way of being in order to  
19 try to stop it. The effects of carbon dioxide on  
20 atmospheric temperatures are well-known. We know that  
21 it is imperative that reducing carbon dioxide will  
22 have a dramatic impact on the climate of the entire  
23 planet. We also know that the effects of climate  
24 change are felt inequitably by some of our city's  
25 most vulnerable communities, low-income communities,

2 communities of color, children, and seniors. It is  
3 therefore a matter of urgency that we work  
4 expediently and aggressively to meet the city's  
5 climate goals. In New York City, we have poor air  
6 quality caused by the many highways crisscrossing our  
7 communities, dirty fuel burning in our buildings,  
8 toxic pollutants flowing in our rivers and the peaker  
9 plants, wastewater treatment plants, and waste  
10 facilities occupying our waterfronts. In partnerships  
11 and through the implementation of Local Law 97, we  
12 will be tackling the biggest source of New York City  
13 emissions. New York City buildings account for over  
14 70 percent of our greenhouse gases. With 50,000  
15 buildings over 25,000 square feet accounting for 30  
16 percent of those emissions, 59 percent of which are  
17 residential and 41 percent of which are commercial.  
18 Local Law 97 is an ambitious effort by the City  
19 Council to bring the city's buildings' emissions  
20 down, setting limits on large buildings in order to  
21 achieve a 40 percent carbon equivalent reduction by  
22 2030 and to meet the reduction goal of 80 by 50  
23 previously set.

24 If met, our 2030 targets would represent  
25 a reduction of approximately 17 million metric tons

1 of carbon dioxide per year from a 2005 baseline by  
2 the year 2030, equivalent to removing 3.6 million  
3 cars from the environment each year. Fortunately in  
4 the Bronx where I represent and in frontline  
5 communities all across New York City, we have a long  
6 history of environmental justice activism spurred out  
7 of necessity after generations of environmental  
8 racism and disinvestment in our communities. I want  
9 to take a moment to thank environmental justice  
10 leaders and environmental advocates for their work in  
11 pushing for Local Law 97, their participation on the  
12 current advisory group, and their ongoing work to  
13 keep the city on task and the public informed on  
14 Local Law 97 implementation.  
15

16 Now, nearly 3 years after its enactment  
17 and after over 2 years of COVID-19, the time is right  
18 for the City Council to take a closer look at Local  
19 Law 97 and its implementation so far. Local Law 97  
20 represents the most aggressive municipal law in the  
21 country to reduce emissions targets. As Chair of the  
22 Housing and Buildings Committee, I am particularly  
23 interested to hear from the Department of Buildings  
24 on updates on the implementation of Local Law 97 and  
25 whether the city is on track to meet its goals, both

2 in rule-making and our own municipal goals of  
3 reduction by 2025. I'm interested to hear updates on  
4 residential versus commercial buildings including  
5 NYCHA properties.

6 Nationwide, as we continue to fight for a  
7 more aggressive green planet, Green New Deal, that  
8 closes are all peaker plants and more rapidly moves  
9 us off fossil fuels. Local Law 97 is going to be a  
10 critical piece of legislation to enact and to move  
11 forward and implement in a timely fashion.

12 Thank you, and I look forward to a robust  
13 and substantive discussion today.

14 CHAIRPERSON GENNARO: Thank you very much,  
15 Chair Sanchez, for your comprehensive opening  
16 statement and all the work that you've done to get  
17 ready for this hearing. I certainly appreciate your  
18 partnership. I think the next item on my list is to  
19 turn it over to the Moderator, Counsel to the  
20 Committee, to go over some procedural items. Is that  
21 right, Madam Moderator?

22 SAMARA SWANSON, MODERATOR: Yes, you are  
23 correct. Okay. I'm Samara Swanson, Counsel to the  
24 Environmental Protection Committee of the New York  
25

2 City Council. Welcome to this hearing of the  
3 Environmental Protection Committee.

4 Before we begin, I want to remind  
5 everyone that you will be on mute until you are  
6 called on to testify when you will be unmuted by the  
7 host. I will be calling on panelists to testify.  
8 Please be aware that there could be a delay in muting  
9 and unmuting you so listen for your name to be  
10 called. I will be periodically announcing who the  
11 next panelists will be.

12 We will begin with testimony from the  
13 administration, which will be followed by  
14 (INAUDIBLE). During the hearing, if Council Members  
15 would like to ask a question, please use the Zoom  
16 raise hand function, and I will call on you in order.

17 We will be limited Council Member  
18 questions to 5 minutes including responses. I will  
19 call on you when it's your turn to speak.

20 During the hearing, if Council Members  
21 would like to ask a question, please use the Zoom  
22 raise hand function, and I'll call on you in the  
23 order that you raised your hand.

24 Now, I will deliver the oath to the  
25 administration, and I will call on each of you

1  
2 individually to record your answers to be followed by  
3 your testimony. Would you please raise your right  
4 hands?

5 Do you affirm to tell the truth, the  
6 whole truth, and nothing but the truth before this  
7 Committee and to respond honestly to the Council  
8 Member questions? Rit.

9 COMMISSIONER AGGARWALA: I do.

10 SAMARA SWANSON, MODERATOR: Constadino  
11 "Gus" Sirakis.

12 COMMISSIONER SIRAKIS: I do.

13 SAMARA SWANSON, MODERATOR: Gina Bocra.

14 CHIEF SUSTAINABILTY OFFICER BOCRA: I do.

15 SAMARA SWANSON, MODERATOR: Anthony Fiore.

16 CHIEF DECARBONIZATION OFFICER FIORE: Good  
17 morning, Samara. I do.

18 SAMARA SWANSON, MODERATOR: Thank you.

19 Good morning. Vlada Kenniff.

20 VICE PRESIDENT KENNIFF: Good morning. I  
21 do.

22 SAMARA SWANSON, MODERATOR: Vlada Kenniff.

23 VICE PRESIDENT KENNIFF: Can you hear me?

24 Good morning. I do.

25



2 SAMARA SWANSON, MODERATOR: Thank you. You  
3 may begin when ready.

4 CHAIRPERSON GENNARO: If I could, Rit,  
5 before you start. I've been notified by staff that  
6 we've been joined by Council Member Gutierrez. Very  
7 happy to have the Council Member with us. While I'm  
8 talking, let me take this opportunity to welcome you  
9 back, Rit. We worked many years ago. We're back  
10 together. I really appreciate you and your team  
11 that's here today and the steadfast commitment of  
12 this administration to fully implement Local Law 97.  
13 With that, it will be an honor to hear your good  
14 testimony.

15 COMMISSIONER AGGARWALA: Thank you, Mr.  
16 Chairman. Good morning. My name is Rit Aggarwala. I'm  
17 the Chief Climate Officer for New York City and the  
18 Commissioner of the Department of Environmental  
19 Protection. I'd like to thank Chair Sanchez and Chair  
20 Gennaro and the Members of the Housing and Buildings  
21 and Environmental Protection Committees for the  
22 opportunity to testify today. I am excited to work  
23 with all of you as we implement this critical climate  
24 legislation.

2 I'd like to acknowledge my Colleagues,  
3 Gus Sirakis, Acting Commissioner of the Department of  
4 Buildings, Anthony Fiore, the city's Chief  
5 Decarbonization Officer and Deputy Commissioner at  
6 the Department of Citywide Administrative Services,  
7 Gina Bocra, Chief Sustainability Officer at the  
8 Department of Buildings, and Vlada Kenniff, Vice  
9 President for Energy and Sustainability at the New  
10 York City Housing Authority who will join me in  
11 answering your questions today.

12 Local Law 97, which is part of the  
13 historic Climate Mobilization Act passed by the City  
14 Council in 2019, requires the city's largest  
15 buildings to reduce their greenhouse gas emissions  
16 starting in 2024. It also requires that the city  
17 reduce annual emissions from city government  
18 operations 40 percent by 2025 and 50 percent by 2030.  
19 During my testimony today, I'll provide updates on  
20 the implementation of this law, both for private  
21 buildings and the public sector.

22 Before I do that, however, I'd like to  
23 make a number of points for context as this is the  
24 first hearing on decarbonization for this Council and  
25 this administration. The Adams' administration is

1 fully committed to achieving the important greenhouse  
2 gas emissions limits established in the law for 2024,  
3 for 2025, for 2030, and for 2050. There should be no  
4 question about our commitment to these limits which  
5 will shape much of our work on decarbonization.  
6

7 Buildings are, as both Chairs have noted, a large  
8 portion of this effort as they are the majority of  
9 our greenhouse gas emissions, but, of course, our  
10 decarbonization work extends beyond buildings to  
11 include an expansion of renewable power, mobility  
12 initiatives such as congestion pricing, pedestrian  
13 and bike safety, and vehicle electrification, and  
14 waste efforts, such as developing a smarter approach  
15 to organics and the beneficial reuse of solids from  
16 our sewer, and, of course, our overall climate  
17 strategy includes resilience and environmental  
18 justice as co-equal priorities.

19 The Adams' administration is committed to  
20 implementing Local Law 97 in the right way. For us,  
21 this means several things. We will ensure that we  
22 implement this and all laws with a view towards  
23 crafting a just transition and addressing the legacy  
24 of environmental injustice that is a reality for so  
25 many New Yorkers. We will implement this law in a way

2 that creates good-paying local jobs to the greatest  
3 extent possible. We will work to ensure that we  
4 implement the law in a way that is consistent with  
5 the city's dire need to recover economically from the  
6 effects of the pandemic, and we should note that a  
7 growing, prosperous New York City is good for the  
8 planet because New York is the most carbon-efficient  
9 community in the United States.

10 Finally, we will work to implement this  
11 law in a way that focuses on compliance and not on  
12 penalties. I'd like to say more about this last  
13 point. A great deal of the recent discussion about  
14 Local Law 97 has emphasized the penalties laid out in  
15 the law. The ability in the law for the city to fine  
16 buildings that do not meet their limits is a critical  
17 tool, one that gives this law teeth. We will not  
18 hesitate to levy penalties on buildings that do no  
19 comply or simply seek to avoid or negate the law. But  
20 the law's title is not the Climate Penalties Act; it  
21 is the Climate Mobilization Act. Mobilization implies  
22 a broad-based effort that requires multiple parties  
23 to play an active role. We don't use the word  
24 mobilization when we speak of a simple rulemaking. We  
25 don't use the word when we believe the task at hand

1 is easy. We use it to describe a situation in which  
2 there is a lot to do and where there will be a lot of  
3 sticking points, and we usually use it to describe a  
4 situation in which the government must play an active  
5 role, not just one of standard setting. We know this  
6 is true because by definitely any time a fine is  
7 warranted under this law it means there has been more  
8 carbon emitted into the atmosphere. It means that we  
9 have not mobilized the action we need to save the  
10 planet. Every fine, therefore, reflects or represents  
11 an abject failure of this law's intentions. The good  
12 news is that the work we need to do, especially for  
13 2024, is manageable. The law was designed so that 80  
14 percent of covered buildings would not have to do  
15 anything at all. That was what the law intended. The  
16 set of covered buildings that has work to do is a few  
17 thousand buildings. Of these, we estimate that about  
18 half need reduce their emissions by 15 percent or  
19 less in order to come into compliance. So as we  
20 implement Local Law 97, this administration will  
21 focus on mobilization. We need to understand the  
22 challenges buildings face in undertaking the work  
23 that needs to be done, and we need to do everything  
24 we can to help them. This is true for all building  
25

1 types. It's obvious that low-income housing needs  
2 help, but it's not just low-income housing. Local Law  
3 97 will require middle-income co-ops across the city  
4 to do retrofits. There will be houses of worship  
5 affected by this law. There will be retailers and  
6 community organizations and small businesses affected  
7 by this law. In many cases, the work needed will be  
8 quite small and highly manageable. In others, the  
9 work may be significant. Traditionally, we focus on  
10 financing as the key challenge facing buildings that  
11 need to retrofit, but it's also likely that we will  
12 find buildings that struggle to comply because their  
13 co-op board lacks a quorum or their building manager  
14 is incapable or they can't find a contractor in time.  
15 While the penalties outlined in the law play a key  
16 role in giving the law teeth, they are not sufficient  
17 to create the mobilization that we need. That is what  
18 we will focus on. I'm not going to tell you today at  
19 103 days into this administration that we have all of  
20 it figured out, but I'll share with you the areas  
21 that we are beginning to prioritize.

22  
23 The first is clarity for 2024. The first  
24 step we must take is to promulgate the rules,  
25 implementing Local Law 97 as necessary to enable

1 buildings affected by the first compliance period,  
2 which starts in only 20 months, to do the work they  
3 need to do. Although additional rulemaking will be  
4 necessary to implement other aspects of Local Law 97  
5 including requirements for compliance in years 2030  
6 and beyond, our immediate focus is going to be  
7 getting rules in place to ensure that affected  
8 buildings are able to comply in 2024. We are also  
9 committed to the robust public engagement required by  
10 the rulemaking process.  
11

12 The second is alternative compliance  
13 paths. We know that there are emerging ideas under  
14 discussion about how the city could create an  
15 alternative mechanism to traditional civil penalties  
16 that would also help retrofits in affordable housing.  
17 We are enthusiastic about this concept, though we  
18 have not yet figured out whether, and, if so, how, we  
19 would achieve this under current law. We will  
20 continue to work on this, and I will point out that  
21 we are not pursuing a cap-and-trade system at this  
22 time.

23 A third is additional funding  
24 opportunities. We are proud of the work that we have  
25 done with the Council as a partner to stand up PACE

1 and the NYC Accelerator. I'll share an update on  
2 those in a moment, but we see those as a partial  
3 solution to what is necessary. In the coming months,  
4 we will be exploring additional sources of funding,  
5 financing, and technical assistance looking to the  
6 private sector, philanthropy, and our partners at the  
7 state.  
8

9 A fourth is enforcement flexibility. We  
10 note that Local Law 97 explicitly in the law provides  
11 that buildings acting in good faith may have their  
12 applicable annual building emissions limits adjusted  
13 or their penalties for noncompliance reduced. We are  
14 continuing to explore how these provisions and other  
15 options for enforcement flexibility may be utilized  
16 to assist building owners who are working to achieve  
17 compliance on the fastest practical timeline. We have  
18 no intention of giving anyone a free pass or letting  
19 anyone off the hook, but we also see no benefit to  
20 the environment in punishing someone who is genuinely  
21 doing everything possible.

22 Of course, mobilization also goes beyond  
23 the direct assistance we give to buildings. We also,  
24 for example, need to ensure that the electricity grid  
25 in New York City gets greener quickly. This



2 administration has continued the city's strong and  
3 outspoken support for the 2 renewable transmission  
4 projects, Clean Path and Champlain Hudson Express,  
5 that form the Tier 4 proceeding currently before the  
6 New York State Public Service Commission. We also  
7 note that Con Ed recently released a concept for  
8 decarbonizing its steam system, which we hope proves  
9 viable. In general, we have high hopes for the  
10 prospect for district energy systems.

11 Finally, I would like to point out that  
12 this is a tremendous opportunity for New York City.  
13 Mayor Adams' Economic Development Blueprint  
14 explicitly calls out the fact that Local Law 97 has  
15 the potential to create thousands of new jobs, well-  
16 paying career-oriented jobs for both blue collar and  
17 white collar workers.

18 Now let me turn to an update on the work  
19 that is ongoing and has been done thus far. I'll  
20 start with the law as it relates to privately owned  
21 buildings. The Department of Buildings established  
22 the Climate Advisory Board in late 2019 as required  
23 by law which includes appointments made by the  
24 Speaker and the Mayor and which is chaired by DOB's  
25 Chief Sustainability Officer Gina Bocra who is here

1 with me today. The Advisory Board is tasked with  
2 providing the Department with advice as it works to  
3 implement Local Law 97. Advisory Board members are  
4 architects, engineers, property owners,  
5 representatives from the business sector and public  
6 utilities, environmental justice advocates, and  
7 tenant advocates. To further engage stakeholders, the  
8 Department has also taken the initiative to establish  
9 8 Climate Working Groups to help develop best  
10 practices for building owners to comply with Local  
11 Law 97. The Department has also engaged both state  
12 and federal policymakers and experts in working group  
13 efforts. To date, the Advisory Board and Working  
14 Groups have met over 300 times with 100 diverse  
15 stakeholders and continue to meet weekly to provide  
16 guidance on the implementation of the law. We thank  
17 the Advisory Board and Working Group members for  
18 their important contributions. The Advisory Board  
19 recommendations are still being developed. Their work  
20 has been invaluable, and we look forward to reviewing  
21 their formal recommendations.  
22

23 DOB has already started work on some of  
24 the rules that must be in place before 2023 for the  
25 private sector. This includes rules that allow the

1 owners of covered buildings that are significantly  
2 over their emissions limits and the owners of not-  
3 for-profit hospitals and healthcare facilities to  
4 apply to the Department for an adjustment to their  
5 applicable emissions limits. Additional rules will be  
6 promulgated this year to continue to provide owners  
7 with guidance as they prepare to comply with Local  
8 Law 97. With the City Council's partnership, the  
9 Department also took Local Law 97 into consideration  
10 in the latest updates to the New York City  
11 Construction Codes, which include provisions that  
12 would allow for greater wall insulation encroachments  
13 into the public right of way to support Local Law 97  
14 retrofits. The Department is also educating building  
15 owners of their obligations under Local Law 97 and  
16 will continue to work to educate owners leading up to  
17 2024. To date, the Department has created a dedicated  
18 website to provide information to building owners and  
19 the public about requirements and established a  
20 dedicated email address to field inquiries from  
21 building owners. The Department is also informing new  
22 building applicants of their obligations under this  
23 law when they submit plans to the Department so that  
24 they can start planning to reduce greenhouse gas  
25

2 emissions from the very beginning of their  
3 construction projects. Additionally, the Department  
4 continues to participate in public presentations to  
5 educate a broad range of stakeholders about  
6 requirements. This work will ramp up over the coming  
7 year and will continue through 2024 and beyond.

8 As I mentioned, we are eagerly working on  
9 ways to expand the variety of support that is  
10 available to building managers and owners who need to  
11 undertake work to comply with the law. Our first  
12 effort on this front is the New York City  
13 Accelerator, operated through the Mayor's Office of  
14 Climate and Environmental Justice, which provides  
15 technical assistance for building decarbonization  
16 including advice on building's responsibilities under  
17 the Local Law. In addition, the Accelerator operates  
18 an internship and workforce development program, a  
19 service provider program, and training programs for  
20 building operators, architects, and engineers. As of  
21 April 12th, the program has assisted 2,580 buildings.

22 Alongside the passage of Local Law 97,  
23 the Council authorized Property-Assessed Clean Energy  
24 (PACE) financing to help pay for energy efficiency or  
25 renewable energy projects in commercial, multifamily,

2 industrial, and institutional buildings. Unlike  
3 conventional financing, PACE is repaid in  
4 installments through a charge on the subject's  
5 property tax bill. This feature provides for  
6 innovative long-term financing. PACE isn't the right  
7 solution for every building though. The minimum loan  
8 amount for PACE is typically 500,000 dollars so  
9 buildings with relatively minor needs may not be  
10 suitable for PACE. To date, 2 existing buildings have  
11 successfully accessed PACE financing for renovations,  
12 one loan for 28 million dollars and another for 89  
13 million dollars. We expect that in the coming months  
14 as the city continues to accept applications for  
15 loans to retrofit existing buildings, the city will  
16 be able to begin accepting applications for loans for  
17 new buildings as well.

18 We are particularly eager to ensure that  
19 support from the Accelerator and other resources are  
20 directed at rent regulated buildings. As you know,  
21 buildings in which more than 35 percent of units are  
22 rent regulated can comply with Local Law 97 by  
23 implementing prescriptive energy conservation manners  
24 by December 31, 2024. The city has published an FAQ  
25

2 to help buildings understand their compliance  
3 requirements.

4           Local Law 97 requires the New York City  
5 Housing Authority to make efforts to reduce its  
6 emissions portfolio-wide 40 percent by 2030 and 80  
7 percent by 2050. In 2020, NYCHA released a Climate  
8 Mitigation Roadmap and committed to meeting the  
9 requirements of Local Law 97. While developing the  
10 Roadmap, NYCHA determined that following a business-  
11 as-usual approach of installing the most efficient  
12 fossil fuel units available such as hydronic boiler  
13 conversions and partial electrification could achieve  
14 the Local Law 97 intermediate 2030 reductions. To  
15 date, NYCHA's capital budget for 2022 through 2026  
16 includes 1.4 billion dollars in federal, state, and  
17 city money for heating system improvements. NYCHA has  
18 plans to replace or upgrade heating systems at 82  
19 developments, 26 of which will decouple domestic hot  
20 water from central steam, averaging a 10 percent  
21 greenhouse gas emissions reduction, and 13  
22 developments are planned to electrify space heating,  
23 cooling, and domestic hot water. NYCHA has also  
24 launched a design challenge to the HVAC manufacturing

2 community to develop a cost-effective heat pump that  
3 would compete with the cost of boiler replacements.

4 Local Law 97 also enacted a set of limits  
5 for city operations, requiring a 40 percent reduction  
6 over 2005 by 2025 and 50 percent by 2030. As Mayor  
7 Adams has repeatedly stressed, this administration is  
8 committed to leading by example, and meeting these  
9 limits is a top priority. We are optimistic that we  
10 can and will achieve the 2025 target, although I will  
11 point out it will be a close-run thing as 2025 is  
12 right around the corner. I'd also like to point out  
13 something that is often overlooked. The greenhouse  
14 gas emissions of city operations are already 27  
15 percent below their 2005 baseline so city government  
16 currently is outpacing the decarbonization of the  
17 city as a whole. The city's decarbonization efforts  
18 are led by DCAS and particularly by Anthony Fiore,  
19 who is with me here today. DCAS is working both to  
20 decarbonize the city's energy supply and to  
21 coordinate and support the efforts of multiple  
22 agencies to identify and implement energy efficiency  
23 and clean energy generation projects. These efforts  
24 are largely outlined in the implementation action  
25 plan which was published in December 2021 and which

1 lays out 4 primary areas of focus. First deploying  
2 100 megawatts of solar on city properties by 2025.  
3 Second to procure enough renewable power to meet 100  
4 percent of the city government's electricity  
5 consumption. Third, to invest in interventions to  
6 reduce energy consumption by 20 percent by 2030.  
7 Finally, to begin to electrify building's heating and  
8 hot water systems to reduce criteria pollution  
9 emissions, especially in environmental justice  
10 communities, and to mitigate the risk of stranded  
11 assets (INAUDIBLE)

12  
13 The city's mandated emission reductions  
14 for government operations are very ambitious. A 40  
15 percent reduction, while something we will all need  
16 to get to, is a challenge, but the time constraint of  
17 2025 only heightens the task. We currently face  
18 headwinds. The work stoppage and project delays  
19 associated with the COVID-19 pandemic have set the  
20 city's progress back by about 2 years. Additionally,  
21 global supply chain disruptions continue to slow  
22 suppliers' abilities to obtain necessary equipment  
23 for our projects, setting them back weeks or months.  
24 The pandemic and other geopolitical events such as  
25 solar tariffs, the demand for liquid natural gas in



2 Europe and Asia, and skilled labor shortages have  
3 resulted in a higher cost.

4 The city's own efforts, therefore, give  
5 us significant insight into what mobilization  
6 actually means. The city is poised to become New York  
7 State's largest single voluntary purchases of  
8 renewable power if the Tier 4 proceeding is approved  
9 by the PSC.

10 DCAS and OMB are developing new  
11 contracting mechanisms to deploy energy efficiency  
12 interventions like lighting and control upgrades  
13 across dozens or hundreds of buildings at a time  
14 rather than one-by-one. OMB and several agencies are  
15 collaborating closely on the hiring of agency energy  
16 personnel. In a significant achievement that  
17 demonstrates our commitment, over the last several  
18 months the Adams' administration prioritized an  
19 initiative to obtain state legislation for DCAS to be  
20 able to use design build contracting, and we are  
21 pleased that this authorization was included in the  
22 state budget passed this weekend. These actions are  
23 critical to open up additional flexible and  
24 streamlined project implementation vehicles for the  
25 city to accelerate emissions reductions.

2 The reality is that time is not on our  
3 side to meet the 2025 mandate. The reality of what  
4 has happened over the last 2 years has, as I said,  
5 slowed us down. Now, we are highly focused on  
6 achieving this goal, but, as I said, it will be a  
7 close-run thing. Over the next 2 years, everything  
8 has to go right. Every contract has to move on  
9 schedule. Every construction project has to be on  
10 time. Each supply chain has to work. The risk of  
11 failure is real, but, if we do miss this target, it  
12 will not be because this administration has not taken  
13 it seriously, and, of course, we will be happy to  
14 provide updates to you about our progress as we move  
15 forward.

16 In conclusion, the Adams' administration  
17 is committed to achieving the greenhouse gas  
18 emissions limits established in Local Law 97. All  
19 over the world, the climate fight is precisely now  
20 about mobilization. Mobilization is this law's middle  
21 name, and it is precisely what we intend to do. Thank  
22 you.

23 CHAIRPERSON GENNARO: Thank you,  
24 Commissioner, for your comprehensive testimony. Let  
25 me just check and see if there are other Members who

2 have joined us that need to be recognized. We've been  
3 joined by Council Member Feliz. Happy to have the  
4 Council Member with us.

5 With regards to my questions,  
6 Commissioner, and to all here, there are many Members  
7 who I suspect want to ask questions so I'm going to  
8 really limit my questions until the Members have had  
9 an opportunity to pose questions. They have other  
10 meetings that they have to get to, and I'm going to  
11 be here for the duration so I'm going to ask just a  
12 couple of questions and then I'll open it to my co-  
13 Chair and then we'll take questions from Members. I  
14 would urge Members who have questions to signify by  
15 raising their hands because they're going to do them  
16 in the order that you raise your hand so if you  
17 wanted to get in early, now would be the time to do  
18 that.

19 I've got your testimony in front of me,  
20 Commissioner. I'm just going to work backwards  
21 through it. I made some notes here. The last page of  
22 your testimony, you talked about the Adams'  
23 administration pushing to get DCAS to be able to use  
24 design build contracting. That is a big deal, and I  
25 understand why it is but perhaps not everyone on this

1 hearing has an appreciation of what kind of  
2 difference that is going to make. If you could probe  
3 that a little bit for everyone's education.

4  
5 COMMISSIONER AGGARWALA: Thank you. I'll  
6 ask Anthony to elaborate on the specifics of it, but  
7 I will reiterate what I said, and I appreciate your  
8 noting it, Mr. Chairman, because identifying this  
9 need and working to unlock the mechanism that's  
10 needed to accelerate action really does, to me,  
11 demonstrate what mobilization really means, that  
12 without the kind of planning that Anthony and his  
13 team and the many agencies he's worked with did last  
14 year would not have appreciated how much we needed  
15 this change in the law that, in turn, allowed us to  
16 make the case internally to make sure that the Mayor  
17 and others who were leading the discussions in Albany  
18 prioritized it. I think it's a great example of how  
19 mobilization has to happen and what happens when it  
20 goes right, but, Anthony, maybe you could elaborate  
21 on the precise implications of having this.

22 CHAIRPERSON GENNARO: Thank you, Anthony,  
23 and, before you start, there was the old paradigm,  
24 there's the new paradigm. Just walk us through why

2 that's a big deal so we understand it. That'll be  
3 great. Thank you.

4 CHIEF DECARBONIZATION OFFICER FIORE:

5 Sure, sure. Thank you. The old paradigm is you do a  
6 lot of upfront work to get to put out a bid for  
7 design. You go through design, you get your design  
8 fully completed, you get bid documents produced, and  
9 then you go out and you bid for a construction  
10 implementation contract before any work begins so  
11 you're talking 18 months to 2 years before any work  
12 even begins and then you have 2 to 3 years' worth of  
13 work in comprehensive projects. It's 5 years or more  
14 from concept to implementation, and we cannot keep  
15 doing things in that way.

16 The design build authorization provides  
17 speed. While design is still being completed, work  
18 can begin. You do design and maybe there's civil work  
19 that gets done, the design work gets done first and  
20 you begin that civil work while the design for the  
21 structural work begins and so forth. It offers more  
22 speed, and, with time not on our side, that's what we  
23 need.

24 CHAIRPERSON GENNARO: Thank you, Anthony.

25 Rit, with regard to city operations and the race to

2 2025 for the city and government sector to meet its  
3 greenhouse gas reduction mandates, by my math there's  
4 13 percent to go. We're at 27; we have to get to 40.  
5 You laid out a nice roadmap here of how the city  
6 wants to do that. On the second bullet point on that  
7 roadmap on the second to last page of your testimony,  
8 one of the pillars of the city's strategy would be to  
9 purchase enough renewable power to meet 100 percent  
10 city government's power consumption. Would that be  
11 dependent on these Tier 4 projects going through or  
12 is it, even if they are approved by the time that  
13 power came online and they wouldn't be available, so  
14 my question is basically where is this power going to  
15 come from?

16 COMMISSIONER AGGARWALA: Actually, let me  
17 just turn that over to Anthony since Anthony's the  
18 mastermind behind the strategy here.

19 CHIEF DECARBONIZATION OFFICER FIORE:  
20 Thank you, Commissioner. The power is to come from  
21 these two Tier 4 projects. Currently, the first of  
22 those projects, which would have enough energy to  
23 meet 100 percent of our consumption, is scheduled to  
24 come online before the end of the calendar year 2025.  
25 If these projects are not approved or if they're

1 delayed, the city could also purchase energy from new  
2 offshore wind projects that are also scheduled to  
3 come online in the late 2020s, before 2030, so that's  
4 currently where this power is scheduled to be  
5 procured from.

6  
7 CHAIRPERSON GENNARO: Thank you. Rit, I  
8 have a question regarding PACE financing. Everyone  
9 knows that PACE was created in order to help to  
10 retrofit the current building stock that needs to be  
11 renovated. You make mention here on the 5th page of  
12 your testimony regarding the city taking applications  
13 for PACE financing for new construction. Is that a  
14 pivot in the PACE paradigm? Was that always intended  
15 to be that way? I certainly welcome it. If you could  
16 elaborate on that.

17 COMMISSIONER AGGARWALA: I think, Mr.  
18 Chairman, you know full well the extent to which PACE  
19 started out primarily focused on retrofits. It has  
20 subsequently been expanded by legislation to do new  
21 buildings. The Mayor's Office of Climate and  
22 Environmental Justice is currently working on  
23 developing the approach to accept applications for  
24 new buildings, but those rules have not yet been  
25 promulgated. The way to think about it now is that

2 PACE is open to business on existing buildings. It is  
3 not yet open for business for new construction. Of  
4 course, what we're concerned about with Local Law 97  
5 is existing buildings.

6 CHAIRPERSON GENNARO: Certainly. Okay.

7 Thank you for that. On the 3rd page of your  
8 testimony, the second bullet point that talks about,  
9 you talked about it during your testimony, about  
10 alternative compliance paths and you spoke about it  
11 somewhat, but if you could speak a little more about  
12 the process by which these alternative compliance  
13 paths would be crystallized. How would that work?

14 COMMISSIONER AGGARWALA: To be frank, I  
15 can't full share a precise roadmap for how we're  
16 going to get there. What this refers to is that there  
17 have been a number of ideas discussed among members  
18 of the various advisory committee and the working  
19 groups, others who are involved in advocacy around  
20 the implementation of Local Law 97 whereby instead of  
21 paying fines there could be mechanisms through which  
22 building owners who are out of compliance could fund  
23 buildings that have affordable housing or otherwise  
24 in need of assistance. Right now, we are still trying  
25 to figure out what the legal approach to that might



1 be. I merely want to say that it is an idea that this  
2 administration is enthusiastic about. We're going to  
3 do what we can to make it possible, but, as you might  
4 imagine, there's a variety of legal and institutional  
5 challenges with crafting a mechanism like that, and,  
6 of course, at the same time as I said, we're not  
7 looking at it as a market-based mechanism. We are  
8 looking at it as a direct kind of approach to channel  
9 funding towards affordable housing and its retrofit  
10 needs.  
11

12 CHAIRPERSON GENNARO: Thank you,  
13 Commissioner. Like I said, I was going to keep my  
14 questions brief. I see a lot of hands going up of  
15 Members, and so I will sit tight for now. I have the  
16 great honor of calling upon my esteemed co-Chair,  
17 Chair Sanchez, to question the panel. I recognize  
18 Chair Sanchez. Thank you.

19 CHAIRPERSON SANCHEZ: Thank you, Council  
20 Member. Good to see you, Commissioner Aggarwala, and  
21 other Commissioners present, DOB, DCAS, Chief  
22 Resiliency Officer. It's really great to see this  
23 representation from the administration, and I'll just  
24 start by saying that thank you for starting off with  
25 making that very strong statement that the Adams'

2 administration is committed to the implementation of  
3 Local Law 97 and sharing the good work that has been  
4 happening so far.

5 My first question sort of couched in the  
6 eyes on the prize sort of thinking. For the Climate  
7 Mobilization Act, all of my questions, and I suspect  
8 so many of ours here on the Council are going to be  
9 about the central goals of the Climate Mobilization  
10 Act. Are we, in fact, mobilizing? Are we on target,  
11 are we on pace to reducing emissions across the city  
12 of New York, and, two, are we creating good jobs?  
13 What is happening in the economy? Are we prioritizing  
14 frontline communities and such. My first question is  
15 an information one and then I have several others,  
16 but, like Council Member Gennaro, I'm going to keep  
17 my questions short in this round and then come back  
18 around since I'll be here all day with my Colleague.  
19 The first question is about the profile of buildings  
20 that are subject to Local Law 97. 50,000 buildings,  
21 approximately 60 percent resident, approximately 40  
22 percent commercial. Can you give us sort of a  
23 breakdown further of what we know about these  
24 (INAUDIBLE)? Where are they geographically in the  
25 city of New York and also what are the sort of

2 profiles? For the residential buildings, are we  
3 talking about low, moderate-income buildings or are  
4 we talking, what percentage is NYCHA? Are we talking  
5 about moderate-income co-ops, etc.? You can just give  
6 us a sense of that to see who we're talking about.

7 COMMISSIONER AGGARWALA: Let me see  
8 whether Gus or Gina, would you the specific numbers  
9 in front of you? I will just say the really  
10 interesting thing about this law is it runs the  
11 gamut, and I think that is one of the things that we  
12 have to really bear in mind as develop the  
13 implementation plan for this law. If my Colleagues at  
14 DOB do not have the precise number, I'm certainly  
15 sure we could get it to you. Of course, one of the  
16 things going on right now that DOB and MOCEJ are  
17 working on is what's called the Remapping Exercise,  
18 which is required by the law and so that will help us  
19 refine and finalize precisely what the targets are  
20 for each category of buildings. I will just remind us  
21 that we're talking about class A fancy skyscrapers in  
22 midtown that are all commercial, we're talking about  
23 middle class co-ops here in Elmhurst where I'm  
24 speaking to you from DOB, we're talking about  
25 affordable housing across the city, much of which is

2 in your district, Chair, the larger buildings in  
3 parts of the city like yours, we're talking about,  
4 what was frankly surprising to me, the number of  
5 houses of worship and other kinds of community and  
6 nonprofit owned buildings that are covered by this  
7 law because they are sizable, and so we have to come  
8 up with an implementation approach that acknowledges  
9 that all of those different buildings have very  
10 different capacities, and, as I said in my testimony,  
11 we tend to think about capacity only as being the  
12 money to pay for something, but it is equally the  
13 management ability to get stuff done, and we do know  
14 that that kind of management ability varies, you can  
15 expect a great deal of management expertise  
16 overseeing that class A skyscraper in midtown, you  
17 have very different expectations if you're being  
18 realistic about when you're thinking about some of  
19 the other building classes that I described. Let me  
20 pause there and ask, Gina or Gus, do you have the  
21 precise numbers in front of you? If not, we can  
22 certainly get that to both Committees.

23 COMMISSIONER SIRAKIS: Thank you,  
24 Commissioner. I think it's probably best for us to  
25 get back to you with the actual stats of the

1 breakdown. I will point out though, as well, if  
2 someone wants to investigate the actual buildings  
3 themselves on our dedicated website to sustainable  
4 buildings, we actually have a map of the building  
5 locations right now, [nyc.gov/sustainablebuildings](http://nyc.gov/sustainablebuildings)  
6 where someone can go and peruse both the Local Law 97  
7 building profiles that we have as well as the Local  
8 Law 33 energy grades. There are some slight  
9 differences in the buildings that have to comply with  
10 each, but that's at least a starting point right now  
11 for us to share with you to get a visual of this, and  
12 we can get back to you with the breakdown as you  
13 requested.

14  
15 CHAIRPERSON SANCHEZ: Thank you,  
16 Commissioner. That would be great. I appreciate it. I  
17 always love a good online open data source so thank  
18 you for that. The next question is really around,  
19 something that Council Member Gennaro started to ask,  
20 I'm very, very glad to hear the administration is not  
21 pursuing a cap-and-trade mechanism. We've seen time  
22 and again research shows that cap-and-trade  
23 mechanisms create hotspots, exacerbate harms to  
24 environmental justice communities so glad to hear  
25 that. On the conversation about reducing penalties,

2 not being overly focused on penalties, and also  
3 ensuring that we have strong alternative compliance  
4 mechanisms, that's also an area where antennas are  
5 going to go up and concern us around environmental  
6 justice concerns and making sure that we are seeing  
7 the reductions across the city as we should and that  
8 we're not overburdening any communities. Can you  
9 share a bit about whether, the early thinking on  
10 penalty, the way that penalties will be reduced and  
11 in some cases for those good faith efforts and the  
12 way that alternative compliance mechanisms might be  
13 taken up, how are we prioritizing and sort of looking  
14 out for environmental justice communities?

15 COMMISSIONER AGGARWALA: Thank you, Chair  
16 Sanchez. It's a really important point, and I'm glad  
17 you have given me an opportunity to talk more about  
18 it. The alternative compliance mechanism concept and  
19 the idea of flexibility in terms of fines are things  
20 that I think are really important, but they have to  
21 be used well and judiciously. I think if you were to  
22 see in your oversight capacity that the city was  
23 being overly generous in terms of reducing fines or  
24 allowing alternatives, I think that would be a  
25 violation of the intention and the spirit of the law.

2 I think that would not be, as you said, keeping our  
3 eyes on the prize. I think at the same time,  
4 especially given our own experience with working as  
5 fast as we can to do this kind of work on city  
6 buildings, we know that reality sometimes intrudes,  
7 and I think part of our thinking here is that, as I  
8 said, it doesn't do the environment any good if a  
9 building owner is working as fast as they truly can  
10 work and then to hit them with a fine, which is one  
11 reason that we think there's real benefit in the  
12 potential for an alternative compliance mechanism. I  
13 do not have any more details because what I shared is  
14 kind of an intention for the kinds of things that we  
15 plan to work on as we implement this law. I'll  
16 reiterate we're only 103 days in, I'm only 8 weeks  
17 in, we've got a lot of work ahead of us to figure  
18 some of this out, but we think that the combination  
19 of focusing, I mean spiritually you can think about  
20 it as a cure period or there are lots of other  
21 analogies that we use in the enforcement of rules  
22 that focus on that prize which is the carbon  
23 reduction but reserve the right to invoke penalties  
24 so we're not taking away that stick that is important  
25 to spur activity, but we are using it with

2 thoughtfulness, and I think that is the real message  
3 here, that we've got to strike that balance where  
4 we're not just letting people off the hook and we're  
5 certainly not letting people off the hook  
6 disproportionately in certain neighborhoods, but, at  
7 the same time, we are also accepting the fact that  
8 getting stuff done in this city can be difficult and  
9 sometimes things are genuinely beyond the control of  
10 management.

11 CHAIRPERSON SANCHEZ: Thank you,  
12 Commissioner. Appreciate that. Does the city at this  
13 point, maybe before your 8 weeks tenure, have any of  
14 the agencies done any preliminary projections on the  
15 ability of buildings to comply, of the 50,000, how  
16 many might be able to comply, how many we might know  
17 or hear that they're opting for alternative  
18 compliance, etc.?

19 COMMISSIONER AGGARWALA: I should be  
20 clear. Nobody has an alternative compliance mechanism  
21 right now so we wouldn't know that anybody is doing  
22 that, and I think our topline message can and must be  
23 that nobody should focus on alternatives until  
24 they've genuinely tried to do everything they  
25 possibly can to reduce their carbon emissions, right,



1 because, once again, that is the top priority, that  
2 is our top priority, that is the priority of the law.  
3 Alternatives are there for when there is some  
4 insurmountable barrier, and, again, I think it could  
5 run the gamut from a building that puts out an RFP  
6 and actually gets no bids on the work, that's a  
7 challenge, a building where there's a management  
8 issues, a building where there are other known issues  
9 that could prevent work. I think, again, we have to  
10 figure out how do we embrace an approach that works  
11 for that skyscraper in midtown with millions of  
12 dollars in the bank and a team of a hundred people  
13 who can manage the work down to that co-op or that  
14 community center or that church. Across that full  
15 range of buildings, we're going to find a variety of  
16 alternatives so I don't have a good sense. I will  
17 tell you I know we have more than 2,000, as I said in  
18 my testimony, buildings that the New York City  
19 Accelerator has already helped. We know that  
20 particularly for buildings that house low-income New  
21 Yorkers and are rent regulated, there's a variety of  
22 programs that provide many, for example, of the  
23 prescriptive path measures established in the law for  
24 buildings with a large portion of rent regulated  
25

2 housing. Those are available for free between various  
3 state programs and Con Edison programs and other  
4 things. Buildings can actually get those changes done  
5 without paying anything and then, as Chairman Gennaro  
6 said, they're reaping the benefits in most cases of  
7 energy savings. I really want to reiterate the fact  
8 that the majority of buildings should be able to do  
9 all of this work without that much trouble, and so we  
10 should not wind up hearing of thousands and thousands  
11 of buildings that need an alternative compliance path  
12 or need some sort of cure period or leniency. What we  
13 should be hearing is that the vast majority of  
14 buildings are doing the work, they are doing it on  
15 time, and, hopefully, they are accessing PACE, the  
16 Accelerator, a variety of state programs, and other  
17 things that we hope to create, and, again, we reserve  
18 some of these alternatives only for cases where it  
19 becomes increasingly clear that the building has no  
20 alternative. Let me pause and see whether any of my  
21 Colleagues on the panel, Gina or Gus particularly, if  
22 there's anything you would like to share in terms of  
23 our perspective on what we're seeing out there as  
24 buildings begin compliance.

2 COMMISSIONER SIRAKIS: Right. I think you  
3 covered it well, and I think a building that has  
4 questions or concerns should contact the Accelerator  
5 right away and seek their assistance on finding what  
6 path is best for them. Gina.

7 CHIEF SUSTAINABILITY OFFICER BOCRA: I  
8 think that covers it, Commissioner. Thank you.

9 CHAIRPERSON SANCHEZ: Great. Thank you so  
10 much. It's reassuring to hear that, and I hope that  
11 it proves to be true and we'll certainly be looking  
12 out for anything you're learning along the way.

13 My last sort of set of questions here is  
14 around the jobs that Local Law 97 could spur. I've  
15 heard as many as tens of thousands of jobs could be  
16 created this decade in design, renovation,  
17 construction as buildings meet these emissions  
18 targets, and so as the city's Chief Climate Officer,  
19 Commissioner, I wonder where the administration's  
20 thinking is at this point about making sure that as  
21 the city is able to create these jobs meeting these  
22 great goals we're creating those jobs in frontline  
23 communities, that we are ensuring that economic  
24 development is shared across the city. Just to  
25 forecast that this is a topic that our Chair of Civil

2 Service and Labor, Carmen De La Rosa, who is on this  
3 hearing today, is going to be digging into much  
4 further, but just at this early stage wondering where  
5 you all are in thinking about it?

6 COMMISSIONER AGGARWALA: I'd say the thing  
7 we have to remember is that, as I said at the  
8 beginning, the job creation opportunities from this  
9 law are something that we embrace, that we are  
10 excited about, that Mayor Adams has, as I said,  
11 included it already in his economic development  
12 agenda so that's something we take very seriously. As  
13 Chair Gennaro pointed out, he and I jointly have  
14 already engaged with the Climate Jobs New York  
15 Coalition and will continue to do so, and I think  
16 it's one of the biggest opportunities.

17 I think in a large part we have to  
18 remember that the easiest things to do, the things  
19 that are outside the city create fewer jobs, the  
20 things that focus on the more difficult work in  
21 buildings tend to create more jobs. There is a bit of  
22 a trade-off. A building owner who wants to do  
23 something that's easy by definition is probably going  
24 to do things that have fewer job hours created shall  
25 we say, and so we have to think about how we do those

1 things at once. I think one of the critical tasks for  
2 us is to make sure that we are helping the  
3 decarbonization of electricity in the best possible  
4 way but also not allowing alternative compliance to  
5 become a long-term excuse for buildings not to do  
6 work on site. I think that's a tension that we are  
7 going to have to manage, and, again, I think there's  
8 just dueling needs here between helping building  
9 owners do things quickly and doing things in the way  
10 that creates jobs to the greatest extent possible.  
11 We're going to do our best to manage that for both  
12 outcomes.  
13

14 CHAIRPERSON SANCHEZ: Thank you so much,  
15 Commissioner. I'll turn it back to Chair Gennaro to  
16 call on our Colleagues. Thank you.

17 CHAIRPERSON GENNARO: Thank you very much,  
18 Chair Sanchez. Again, it's great to be co-chairing  
19 this hearing with you. I certainly appreciate you and  
20 the Members of your good Committee here today. I  
21 thank the Commissioner and his team for his answers  
22 to your questions and my questions. Now, I will call  
23 upon the Moderator of the hearing to let me know who  
24 is first in line for questions. Samara, I haven't  
25 been keeping track of the hands as they go up, but if

1 you could let me know who is first up I'd be happy to  
2 recognize that Member.

3  
4 SAMARA SWANSON, MODERATOR: Hello. Can you  
5 hear me?

6 CHAIRPERSON GENNARO: Yeah, I got you.

7 SAMARA SWANSON, MODERATOR: I have first  
8 have Councilwoman Menin followed by Councilwoman  
9 Nurse followed by Councilman Carr followed by  
10 Councilwoman Caban followed by Councilman Restler and  
11 followed by Councilwoman De La Rosa.

12 CHAIRPERSON GENNARO: Okay, thank you for  
13 that order. You're going to have to remind me of that  
14 whole list, but, for now, it gives me great pleasure  
15 to recognize Council Member Menin.

16 SERGEANT KOTOWSKI: Time starts now.

17 COUNCIL MEMBER MENIN: Thank you so much.  
18 Thank you, Chair Gennaro, thank you, Chair Sanchez,  
19 for this incredibly important hearing. In my  
20 district, the East Harlem part of my district, has  
21 one of the highest childhood asthma rates in the city  
22 so my first question focuses on enforcement. How many  
23 staff are you going to have that are focused on  
24 enforcement, Commissioner, and can you talk a little  
25

1 bit about how many inspectors you will have, how  
2 often will inspectors go out into the field?

3  
4 COMMISSIONER AGGARWALA: I'll defer in a  
5 moment to Acting Commissioner Sirakis and to Gina to  
6 talk specifically about how the enforcement will  
7 work, but I'll observe 2 things. First is I know  
8 there's been a lot of attention paid to the Mayor's  
9 budget from January. I'll point out that was a  
10 preliminary budget, and I will say that I am  
11 confident that we are going to have the staff that we  
12 need, both at DOB and outside of DOB, to do the job  
13 of enforcing this law. Gus or Gina, would you like to  
14 talk specifically about how this law gets enforced?

15 COMMISSIONER SIRAKIS: Sure. Thank you,  
16 Commissioner. I'll start it off at a higher level and  
17 then pass it over to Gina for some more details.  
18 Largely, this law would not necessarily require a  
19 field inspection by the Department to go out to issue  
20 the violations and to determine compliance as this is  
21 based on the reported emissions that are required to  
22 come to the Department from the building ownership  
23 via design professionals in an online portal so we  
24 can do much of this work administratively and from  
25 behind the scenes rather than needing to go out to an

1 actual job site. This is not specifically about  
2 (INAUDIBLE) being about existing buildings, buildings  
3 being occupied in use, so this would be more digital  
4 enforcement and violation issuance from that  
5 standpoint. Gina.

7 CHIEF SUSTAINABILITY OFFICER BOCRA: Thank  
8 you, Commissioner, and thank you, Council Member  
9 Menin, for the question. It's obviously something  
10 that we are giving a lot of thought to, but, as  
11 Commissioner Sirakis has explained, we know a lot  
12 about the buildings based on the energy reporting  
13 that they are submitting to our Department on an  
14 annual basis, and that also gives us the ability to  
15 look into the future and identify buildings that may  
16 be at risk and work very closely with our friends at  
17 MOCEJ and the Accelerator to try and get ahead of  
18 them before they become a problem that is resulting  
19 in a fine so we really look forward to doing that  
20 work and really look forward to your support with  
21 your constituents and getting the information out  
22 about the Accelerator and the help that we can offer  
23 at the Department.

24 COUNCIL MEMBER MENIN: Can you give an  
25 update on Accelerator and also an update on the PACE



2 financing? Is PACE financing up and running, and how  
3 many buildings have already submitted applications  
4 for PACE financing?

5 COMMISSIONER AGGARWALA: Council Member,  
6 as I said in my testimony, PACE financing is  
7 certainly up and running. It opened for business and  
8 available for buildings to seek loans for retrofits.  
9 The rules following on last year's expansion of it to  
10 new buildings is what is pending, but PACE for  
11 existing buildings is definitely open for business.  
12 As I said, to date, there are only 2 buildings that  
13 have received PACE financing for retrofits, and the  
14 way that property owners would apply actually starts  
15 with private lenders so building owners do not  
16 actually come to the city. They go to a set of  
17 private lenders that they're reasonably well-known,  
18 they often self-identify if somebody searches for  
19 PACE financing and the NYC Accelerator, can certainly  
20 direct buildings to them and so I don't have a good  
21 sense of how many projects are currently under  
22 discussion between buildings to lenders because the  
23 city only gets involved after a lender has done the  
24 due diligence and brought it forward as something  
25 that it thinks is in compliance with the law. To

2 date, as I said, it's only 2, and it's actually one  
3 of the reasons that we think that there may be a need  
4 for additional financial because we think...

5 COUNCIL MEMBER MENIN: Could I just  
6 interrupt because I see I just have a few seconds  
7 left. If there are only 2, then shouldn't there be  
8 more education outreach to building owners. Two is  
9 obviously a very low number so it just strikes me you  
10 need to do more on education and outreach so that  
11 building owners know about this and avail themselves  
12 of it.

13 COMMISSIONER AGGARWALA: Yes.

14 COUNCIL MEMBER MENIN: Okay. Thank you  
15 very much.

16 CHAIRPERSON GENNARO: Okay, thank you very  
17 much, Council Member Menin. I appreciate your  
18 participation and your good questions. I recognize  
19 Council Member Nurse for questions.

20 SERGEANT KOTOWSKI: Time starts now.

21 COUNCIL MEMBER NURSE: Thank you, and good  
22 morning, everyone. Thank you for this really  
23 important meeting. Thank you, Chair Gennaro and Chair  
24 Sanchez. I just have 2, maybe 3 questions. I'll see  
25 what I can get in. One, I just wanted to say if I

2 heard correctly, please let me know if I didn't. I'm  
3 really encouraged by the testimony of the  
4 Commissioner that we are not pursuing a cap-and-trade  
5 program for energy efficiency at this moment. That's  
6 really exciting to hear since I think it's  
7 resoundingly agreed that these are false solutions. I  
8 have a question about the RECS, the Renewable Energy  
9 Certificates. I'm sorry if I missed this in your  
10 testimony. I think there's some agreement that RECS  
11 aren't really reducing local emissions. Will the  
12 Department be limiting the number of RECS that  
13 building owners can use to meet the targets?

14 COMMISSIONER AGGARWALA: Council Member,  
15 the rules around how RECS, first of all, RECS are  
16 fully encompassed within the law, like there is a  
17 clear provision that they be considered so including  
18 RECS in some way, of course, is not in contravention  
19 of the law's intent. We are working on the rules for  
20 exactly what extent they should be allowed. I will  
21 just say that I think it is our objective not to  
22 allow RECS to be used overly broadly. Gus, Gina,  
23 anything more we should add there?

24 COMMISSIONER SIRAKIS: I'll defer to Gina

25 (INAUDIBLE)

2 COUNCIL MEMBER NURSE: Do you know when  
3 you all will have a better sense of how many you're  
4 going to allow or to what degree you'll allow it?

5 COMMISSIONER AGGARWALA: I don't know that  
6 I can give you a timeframe with any certainty, but,  
7 as I said, that is the kind of question that we know  
8 has to get answered for 2024 so that is one that we  
9 are actively working on with a very high sense of  
10 urgency.

11 COUNCIL MEMBER NURSE: Okay. My next  
12 question, I hope I'll be able to squeeze the last  
13 one, this one's really just a simple yes or no. Can  
14 New York City cut its climate heating pollution and  
15 overall greenhouse gas emissions without buildings  
16 achieving the pollution cuts required under Local Law  
17 97?

18 COMMISSIONER AGGARWALA: I'm sorry,  
19 Council Member. That was a long one.

20 COUNCIL MEMBER NURSE: I'm sorry. Will we  
21 be able to hit our greenhouse gas reduction goals if  
22 we do not fully implement this law effectively?

23 COMMISSIONER AGGARWALA: No, I think  
24 reaching the greenhouse gas targets in this law are  
25 critical to the citywide targets. No question.

2 COUNCIL MEMBER NURSE: Okay, and my last  
3 one is really around kind of the midtown buildings  
4 owned by the ultrarich. I want to ask about a  
5 particular building, 1 Bryant Park Bank of America  
6 Tower, because its owners are really outspoken in  
7 opposition to this law. It's owned by the Dursts.  
8 They're extremely wealthy. They're arguing the law is  
9 unfair. Will the city fully implement the law and its  
10 consequences even to the ultrarich building owners  
11 who do not comply?

12 COMMISSIONER AGGARWALA: Council Member,  
13 look, I don't think it's appropriate for me to talk  
14 about any specific building, but I think we will  
15 certainly not be letting buildings off the hook if  
16 they are not doing what they can to reduce their  
17 emissions.

18 COUNCIL MEMBER NURSE: Okay. Thank you so  
19 much.

20 CHAIRPERSON GENNARO: Thank you, Council  
21 Member Nurse. Pleasure to have you with us here today  
22 and for your participation. I'm happy to recognize  
23 Council Member Caban for questions.

24 SERGEANT KOTOWSKI: Time starts now.

25 COUNCIL MEMBER CABAN: Can y'all hear me?

2 CHAIRPERSON GENNARO: Yes.

3 COUNCIL MEMBER CABAN: Great. Just thank  
4 you to the Chairs and to all the folks who are here  
5 today. A few questions. We'll see how many I can fit  
6 in like my Colleagues. The first one is a quick one.  
7 You talked about the job creation of the Local Law,  
8 but I just want to specifically ask does Local Law 97  
9 create union jobs, and does that union job creation  
10 continue to grow through the decade?

11 COMMISSIONER AGGARWALA: Yes, it should.

12 As we know, many buildings are union shops and many  
13 of the best contractors in New York City, of course,  
14 employ union labor and so I fully expect that there  
15 will be a large number of union jobs created by this  
16 law.

17 COUNCIL MEMBER CABAN: Great. In terms of,  
18 just one question around the pollution aspects, can  
19 New York City as a whole cut its climate heating  
20 pollution without buildings achieving the pollution  
21 cuts required under Local Law 97?

22 COMMISSIONER AGGARWALA: I think that's  
23 similar to what Council Member Nurse argued, and,  
24 again, I'll just say that yes, you can't make the  
25 kind of changes to the city's carbon emissions that

2 we need to make, certainly over the longer term,  
3 without having significant changes at the building  
4 level. We fully agree with that.

5 COUNCIL MEMBER CABAN: Earlier you had  
6 mentioned that working with buildings that are trying  
7 and making like "good faith efforts" to meet and  
8 comply with Local Law. What is good faith mean to  
9 y'all? When I think about good faith, I want to make  
10 sure that it's sort of as a last resort and not a  
11 loophole that folks are able to take advantage of so  
12 what does good faith mean to y'all? What is  
13 (INAUDIBLE) compliance look like to y'all in working  
14 with these folks?

15 COMMISSIONER AGGARWALA: Council Member,  
16 turning to what the law actually says on this because  
17 this is a concept that is written into the law, and  
18 it'll take me a minute to find it so maybe I won't  
19 even try because I don't want to waste your time. I  
20 think it's really important for us to have a certain  
21 amount of flexibility, but I think good faith is  
22 really doing everything that one can. I don't think  
23 this is something about sitting back and saying well,  
24 it's not going to make me money and therefore I'm not  
25 going to do it. That's not a good faith effort. It

2 can't be something that you look at a building's  
3 financial situation, you look at its management, you  
4 look at its resources, and you say, yeah, there's  
5 nothing available there, or, even more significantly,  
6 you look at the challenges of doing the work in a  
7 marketplace that's difficult. Again, we have a  
8 certain amount of experience with this given the work  
9 that Anthony leads and my own agency, DEP, has a lot  
10 of work it has to do to cut its carbon footprint. I  
11 know how difficult it is to keep those projects  
12 underway so I totally understand it, but, as you  
13 point out, part of the key with the idea of  
14 alternative compliance or cure periods or whatever it  
15 is is that it's not a long-term solution, and I think  
16 that's one of the critical things, that we should not  
17 be thinking about finding a way for people just to  
18 decide oh, I'm just going to pay X forever and that's  
19 going to keep me from having to change anything about  
20 my building. We can't let that be the way it goes.  
21 The way it has to go is you might pay X into some  
22 alternative mechanism as long as it takes you to get  
23 your act together, as long as it takes the  
24 contractors to do the work, etc., but, again, I think  
25 there's a really important distinction here around



2 the intent, which is not to let people off the hook  
3 but it is to accommodate the reality of how difficult  
4 it is to make some of these changes in some  
5 buildings.

6 COUNCIL MEMBER CABAN: I probably don't  
7 have time to get this answered, but I know Council  
8 Member Menin was hitting this a little bit in terms  
9 of the things that are available to building owners  
10 in terms of support, but the other side of that coin,  
11 can you talk a little bit about the formula in it to  
12 specify penalties on buildings if they violate those  
13 pollution caps? I don't know if you hit this already  
14 but if you could explain the formula itself?

15 COMMISSIONER AGGARWALA: Let me actually  
16 defer. I think Gina or Gus would probably be best  
17 suited to explain that concisely.

18 COMMISSIONER SIRAKIS: In the interest of  
19 time, I'll defer to Gina to go.

20 CHAIRPERSON GENNARO: Let me just jump in  
21 here for a second, and I know that time's about to  
22 run out, but I think it's an important question and  
23 I'm willing to give some latitude for the  
24 administration to answer this question in full.

25 COUNCIL MEMBER CABAN: Thank you, Chair.

2 COMMISSIONER SIRAKIS: Please, Gina, go  
3 right ahead.

4 CHIEF SUSTAINABILITY OFFICER BOCRA: Thank  
5 you, Chair Gennaro, and thank you, Council Member  
6 Caban, for the question. A building's limit is  
7 established based on the types of uses that are in  
8 that building, and there are 10 different  
9 coefficients that are assigned to each of those uses  
10 so an owner will be able to calculate their maximum  
11 limit for their entire building. Once they understand  
12 what that limit is, we will compare that to the  
13 amount of carbon dioxide that they've generated over  
14 the year and any excess carbon is measured in metric  
15 tons and for each metric ton of carbon that they are  
16 over their limit the fine is 260 dollars per ton.  
17 That number, as we understand, was generated by  
18 Council as being higher than the cost of compliance  
19 so it's intended to motivate owners to actually make  
20 the improvements to their buildings rather than to  
21 just pay the fine as the cost of doing business. Does  
22 that answer your question?

23 COUNCIL MEMBER CABAN: Yeah, thank you.

24 CHIEF SUSTAINABILITY OFFICER BOCRA:  
25 You're welcome.

2 CHAIRPERSON GENNARO: Thank you, Council  
3 Member Caban. I appreciate your good questions. Now I  
4 have to pay a big apology to Council Member Carr who  
5 somehow I skipped over. You were actually supposed to  
6 be after Council Member Nurse so sorry for that  
7 mistake on my part, and I recognize Council Member  
8 Carr with apologies.

9 SERGEANT KOTOWSKI: Time starts now.

10 COUNCIL MEMBER CARR: No problem, Chair  
11 Gennaro. I appreciate the opportunity to speak, and I  
12 think you and Chair Sanchez for convening this  
13 incredibly important hearing on this topic.  
14 Commissioners, members of the administration, thank  
15 you for testifying today. I want talk a little bit  
16 about, you talked about being flexible on the fines  
17 for those are making good faith efforts to get into  
18 compliance. Do you feel that the statutory authority  
19 under Local Law 97 allows you complete latitude in  
20 terms of penalty reduction, even all the way to zero,  
21 and do you also feel that you're going to in your  
22 rulemaking on this topic be adopting different  
23 standards based on building type? As was testified,  
24 you have a lot of different kinds of buildings

1 falling under this mandate, and I'd just like to get  
2 some clarity on that.  
3

4 COMMISSIONER AGGARWALA: Thank you,  
5 Council Member. As I said in my testimony, we are  
6 still exploring exactly what the law allows and what  
7 we think we would be a correct and workable  
8 interpretation. What I wanted to share with you was  
9 our intent, what we are working on right now, not  
10 what we have resolved. The way I understand the law  
11 and, again, I'll defer if Gus and Gina would like to  
12 jump in, is that the law countenance is a building  
13 specific, not a type specific approach to that so it  
14 really, countenance is the idea that a building's  
15 specific circumstances should be taken into account  
16 when considering the fines and not a broad class-  
17 based approach to making that distinction, but,  
18 again, we have not fully come to an administration  
19 perspective on precisely what the law allows, but I  
20 think that's what we would like to have the ability  
21 to do.

22 COUNCIL MEMBER CARR: I'm sorry. I didn't  
23 want to interrupt if there was further comment.

24 COMMISSIONER AGGARWALA: I think it's  
25 fine. Thank you.

2 COUNCIL MEMBER CARR: Okay. My next  
3 question is a lot of the conversation is focused on  
4 residential commercial buildings, but you also have  
5 manufacturing buildings which have a very different  
6 kind of activity going on on their sites which are  
7 more energy consuming and, therefore, by their nature  
8 have larger carbon footprints. What's your approach  
9 to that where you have buildings that can't  
10 necessarily make improvements on the energy  
11 consumption beyond a certain point given the sort of  
12 high energy, high carbon activity that goes on there  
13 as compared to a residential building?

14 COMMISSIONER AGGARWALA: Thanks, Council  
15 Member. Let me actually ask my DOB Colleagues to take  
16 that on. They've been doing a lot of work on this  
17 remapping and, as the law requires, allowing  
18 buildings that have specific unique profiles to apply  
19 in advance for an adjustment so Commissioner Sirakis.

20 COMMISSIONER SIRAKIS: Thank you. I think  
21 as Gina mentioned earlier in one of her answers, the  
22 law provides the energy usage limits based on the  
23 usage of the space and it's currently based on the  
24 building code classification so manufacturing is  
25 treated differently than residential which is treated

1 different than storage which is treated different  
2 than business occupancy, but the energy usage that is  
3 reported and is the basis of the actual energy usage  
4 consumption facts that we're dealing with for a  
5 specific site are given through Energy Star Portfolio  
6 Manager through a different categorization system and  
7 they also account for the actual usage of the space  
8 and differentiate the different spaces based on how  
9 they're used, and I'll let Gina talk through a little  
10 bit on our exercise to go through mapping the Energy  
11 Star Portfolio Manager to building code usage that  
12 specify in the law itself and the adjustments.

14 CHIEF SUSTAINABILITY OFFICER BOCRA: Thank  
15 you, Commissioner, and thank you, Council Member  
16 Carr, for the question. It's very important to us  
17 that we identify those buildings that have unusual  
18 energy usage patterns, and that's been a focus of our  
19 remapping exercise that we're working on closely with  
20 MOCEJ. We're getting to a point where we're looking  
21 forward to sharing that information publicly about  
22 adjustments to different use types and assigning them  
23 to the limits that make sense based on their actual  
24 energy consumption so it brings a next level of  
25 equity to the distribution of the limits in the law,

2 and it will also help us address those issues that  
3 are related to manufacturing and...

4 SERGEANT KOTOWSKI: Time expired.

5 CHIEF SUSTAINABIILTY OFFICER BOCRA:  
6 Industry.

7 CHAIRPERSON GENNARO: Please continue,  
8 Gina. If you need time to answer the question in  
9 full, please continue.

10 CHIEF SUSTAINABIILTY OFFICER BOCRA: Thank  
11 you, Chair Gennaro. I'll just add that those are a  
12 building type that we've been specifically concerned  
13 with. We don't want to push jobs out of New York City  
14 so we are working on a very comprehensive list of  
15 those types of buildings, where they are, and what  
16 happens in them so that we can find ways to help.

17 COUNCIL MEMBER CARR: Chair Gennaro, if I  
18 may, just one last quick question. Do you have a  
19 breakdown, you mentioned the breakdown of residential  
20 commercial, do you have a breakdown of what  
21 percentage of those buildings under the mandate are M  
22 sites and then what their carbon emission footprint  
23 is collectively as a whole?

24 CHAIRPERSON GENNARO: I would ask for a  
25 brief reply and the opportunity for Council Member

2 Carr to receive all this information from the  
3 administration, but I will allow a brief reply.

4 CHIEF SUSTAINABILITY OFFICER BOCRA: We  
5 don't have that our fingertips, but we can get it for  
6 you.

7 COMMISSIONER AGGARWALA: We'll supply that  
8 (INAUDIBLE) to both Committees.

9 COUNCIL MEMBER CARR: Thank you.

10 CHAIRPERSON GENNARO: Thank you very much,  
11 Council Member Carr. Once again, my apologies for  
12 skipping you in the order and thank you for your  
13 great questions. I recognize Council Member Restler  
14 for questions.

15 SERGEANT KOTOWSKI: Time starts now.

16 COUNCIL MEMBER RESTLER: Brilliant. Thank  
17 you, Chair Gennaro, and it is great to be with you,  
18 and thank you, Chair Sanchez. I'm so excited to be at  
19 a hearing that you're co-Chairing. Firstly, I just  
20 want to express my gratitude that Commissioner  
21 Aggarwala is leading this effort and I think we as  
22 the city of New York are in great hands with you as  
23 the steward as our Chief Climate Officer. This is the  
24 most consequential landmark law that has come out of  
25 the City Council in many years, and I just want to



1  
2 underscore that I want to do everything I can to  
3 strengthen it, to protect it, to preserve it, and to  
4 facilitate compliance. All of the efforts that I  
5 think are in the air to try and weaken it, I am in  
6 stark and staunch opposition to, and I am heartened  
7 by Commissioner Aggarwala's sentiments that this  
8 administration is strongly committed to facilitating  
9 compliance in '24, '25, and '30. I think there have  
10 been some open questions about how this  
11 administration is approaching Local Law 97, and this  
12 hearing feels like a consequential step in the right  
13 direction.

14 My questions though are directed toward  
15 DOB so I want to thank the Commissioner and Gina who  
16 I haven't had a chance to meet, but I just want to  
17 follow up on Council Member Caban's question first to  
18 affirm that DOB is intending to follow the formula as  
19 the previous administration was dictated by the law  
20 and assess penalties accordingly. My understanding is  
21 that DOB has the authority or the latitude to weaken  
22 those penalties, and I want to hear otherwise, that  
23 you are planning to fully impose the penalties as  
24 they have been drafted in the law.

2 COMMISSIONER SIRAKIS: Thank you, Council  
3 Member. I think we fully intend to... Sorry, can you  
4 not hear me or...

5 COUNCIL MEMBER RESTLER: No, I can hear  
6 you. I just, yeah, I just wanted, sorry, go ahead.

7 COMMISSIONER SIRAKIS: DOB fully intends  
8 to carry out the intent of the law I think other than  
9 working with our partners in city government as to  
10 these alternative compliance methods and to work  
11 within the allowances that are in the law that are  
12 there to allow for those unique circumstances where  
13 people have made these good faith efforts and we  
14 fully acknowledge, as Commissioner Aggarwala stated  
15 earlier that there's...

16 COUNCIL MEMBER RESTLER: Let me, maybe,  
17 I'm sorry, Commissioner, just because we're tight on  
18 time, and I'm going to get cut off so just to be  
19 clear crystal, you're intending to follow the formula  
20 that's laid out in the law barring exceptional  
21 circumstances?

22 COMMISSIONER SIRAKIS: Yeah, and the  
23 ability that we would have to come up with reasonable  
24 alternative methods of enforcement and compliance

1 that we've described today. I think that's our  
2 intention.

3  
4 COMMISSIONER AGGARWALA: May I just jump  
5 in? Sorry. My understanding is the penalty is the  
6 penalty, all right, and what the law countenance is  
7 is that on a building-specific basis there might be  
8 an adjustment. It outlines a set of criteria that  
9 should be taken into account, and those are the  
10 criteria that will guide our thinking on this.

11 COUNCIL MEMBER RESTLER: I appreciate our  
12 collective goal is to facilitate compliance and so I  
13 want to be here to offer all the (INAUDIBLE) and  
14 every building owner that's come to me and every  
15 wealthy developer that's come to me, I've said I'm  
16 not here to weaken the law. Tell me what you need to  
17 comply with the law, and let's work together, and I  
18 appreciate that that is the orientation of the  
19 administration, but I don't want that to be allowing  
20 people to go off the hook, like we need a very strong  
21 stick at the other end of this that if building  
22 owners are not doing everything they possibly can to  
23 comply that they are going to be held accountable and  
24 have to pay through the darned nose because we have  
25 no choice but to comply with Local Law 97. Thank you.

2 Another question for DOB. How many staff  
3 are needed to, from your perspective, additional new  
4 staff, to implement aggressive comprehensive  
5 oversight of this law, and what is the existing  
6 staffing need relative to the staff you have in  
7 place?

8 COMMISSIONER SIRAKIS: Our new staffing, I  
9 think, will be shared with the City Council soon is  
10 my understanding. We've been working with our  
11 partners in OMB on laying out how many staff and what  
12 other services we might need to implement this Local  
13 Law in and of itself, and I think it's something that  
14 from our standpoint that need is going to vary over  
15 time and as we get closer to 2024, 2025 our needs  
16 will be much different than what they are today.

17 COUNCIL MEMBER RESTLER: What do we need  
18 July 1? What do you have, what do you not have? Is  
19 there anything you can share other than you're  
20 working with OMB?

21 SERGEANT KOTOWSKI: Time expired.

22 CHAIRPERSON GENNARO: Please continue. I  
23 want Council Member Restler's question answered in  
24 full.

2 COMMISSIONER SIRAKIS: Unfortunately, no,  
3 at this time there's nothing I can share other than  
4 we will have some additional needs for you for both  
5 staff and other requests for implementation, and it's  
6 definitely going to be an increase going forward.

7 COUNCIL MEMBER RESTLER: We include in our  
8 Council budget response recommendation for additional  
9 staff. We need you all to have the resources you need  
10 to facilitate compliance or this will be a toothless  
11 law and so I have to beg and plead that you be as  
12 clear with us as you can and not hide behind  
13 negotiations or ongoing with OMB. Let us help you. If  
14 we need to put resources in from our side, we will  
15 fight for them, I will fight for them, if you can  
16 communicate to us. I appreciate that you're in a  
17 funny position at a hearing, but hopefully we can  
18 have a private conversation to discuss further. Thank  
19 you, Chair Gennaro, for giving me an extra second.

20 COMMISSIONER SIRAKIS: Thank you for your  
21 continued support there.

22 CHAIRPERSON GENNARO: Thank you, Council  
23 Member Restler. We're having a lot of discussions  
24 with the administration like the Council has spoken  
25 regarding our response to the budget and we certainly

2 do expect to see good things in the next budget that  
3 I guess will be released in like late April or early,  
4 whenever the next budget comes out, we certainly  
5 expect to see good things and, if we don't, we know  
6 we can count on you, Lincoln, to make our voices  
7 heard and make this a reality. Thank you, Council  
8 Member Restler. I'm very happy to recognize now  
9 Council Member De La Rosa for questions.

10 SERGEANT KOTOWSKI: Time starts now.

11 COUNCIL MEMBER DE LA ROSA: Thank you so  
12 much, Chair Gennaro and Chair Sanchez. As has been  
13 echoed by my Colleagues, this law really has the  
14 ability to transform our city so I know there's a lot  
15 of passion in the room for upholding and  
16 strengthening the law and not weakening it so I  
17 wanted to state that clearly for the record. I am the  
18 Chair of the Civil Service and Labor Committee and so  
19 I wanted to just ask a little bit about the job  
20 creation portion of this. Can you give us a lay of  
21 the land? Do you have the information about the  
22 increase in economic activity or job creation that is  
23 currently resulting from Local Law 97 or what is  
24 projected in your opinion?

2 COMMISSIONER AGGARWALA: Council Member,  
3 I'll see if any of my Colleagues have that kind of  
4 quantitative analysis. I do not off the top of my  
5 head, and it is not something that the city has led.  
6 I know actually there are some organizations that are  
7 going to be testifying later today that may be able  
8 to provide more of that analysis. I'll just reiterate  
9 what I said earlier which is that the opportunity in  
10 this law is so significant that it was highlighted as  
11 one of a relatively few numbers of sectors that the  
12 Mayor included in his economic development strategy  
13 released only a couple of weeks ago so the job  
14 creation opportunities are big, they are significant,  
15 they are a key focus of ours, and in terms of  
16 numbers, I think Anthony's got some numbers.

17 COUNCIL MEMBER DE LA ROSA: Do you know of  
18 any plans to roll out a strategy to ensure that the  
19 jobs that are created, I heard Council Member Caban  
20 already ask about union jobs, but I wanted to ask  
21 also about these types of jobs in communities of  
22 color or environmental justice communities that are  
23 so heavily impacted by pollution and the other harms  
24 that have come from not having this law on the books.

2 COMMISSIONER AGGARWALA: I'll reiterate  
3 that the New York City Accelerator has a number of  
4 programs related to that. As I mentioned, they have  
5 an internship program, a workforce development  
6 program, they are specifically targeted towards low-  
7 income neighborhoods and people who come from those  
8 neighborhoods. I know, and perhaps Vlada, you'd like  
9 to chime in about some of the work that NYCHA does  
10 which has a particular focus on this.

11 VICE PRESIDENT KENNIFF: Yeah, absolutely,  
12 and we are laser-focused on Local Law 97,  
13 particularly for the workforce opportunities for our  
14 residents. We have launched the Clean Heat for All  
15 Challenge as Commissioner Aggarwala had alluded to  
16 earlier in his testimony. To us, that is a job  
17 creation opportunity. We're also working with  
18 partners to stand up what we're calling a Clean  
19 Energy Academy. We committed to doing that in our  
20 sustainability agenda that we released in 2021. We're  
21 seeing some great numbers in, as you know we're  
22 required by HUD to hire through Section 3, we are  
23 seeing some really good compliance numbers, over 90  
24 percent, through our energy performance contracts of  
25



2 Section 3 hires so these are things that are  
3 extremely important to my team and to our Chair.

4 COUNCIL MEMBER DE LA ROSA: Thank you. My  
5 final question, I just wanted to ask a clarifying  
6 question piggybacking on what Council Member Restler  
7 just asked. Can you clarify about the penalties for  
8 breaking Local Law 97? We know that the targets are  
9 high and that 27 percent of the most polluting  
10 buildings are covered, right, so what is the process  
11 if there are buildings that are breaking the law so  
12 are we suggesting that the law be relaxed for those  
13 buildings? I just need a little bit of clarity on  
14 that.

15 COMMISSIONER AGGARWALA: Happy to do that,  
16 Council Member.

17 CHAIRPERSON GENNARO: Also, Rit, I'll just  
18 say that this is a very important question. Time is  
19 about to run out so I would urge you to answer the  
20 question in full.

21 COMMISSIONER AGGARWALA: Okay, will do.  
22 Just to be clear, Council Member, we're not talking  
23 at all about weakening the law. The law prescribes  
24 the penalty, and I now have it in front of me,  
25 Section 320.6. It's a formula. It's basically a

1 penalty of 268 dollars per ton over the cap on a per  
2 building basis. The law then establishes 5 criteria  
3 that should be taken into account when determining  
4 whether the full amount should be levied. That's good  
5 faith efforts to comply...

7 SERGEANT KOTOWSKI: Time expired.

8 COMMISSIONER AGGARWALA: The history of  
9 compliance with Local Law 97 itself, adjustments that  
10 have been made also as countenanced in the law in  
11 advance, whether there were and I quote "unexpected  
12 and unforeseeable events or conditions that were  
13 outside the control of the respondent," the  
14 respondent's access to financial resources, and,  
15 finally, I'm sorry, it's 6, whether payment and such  
16 penalty would impact the operations of facilities  
17 critical to human life or safety. The law is very  
18 clear on how and when and for what reasons penalties  
19 should be adjusted. This is a reasonable list. We  
20 don't think there's a need to go beyond it. What I  
21 was describing, though, is 2 things. One, the fact  
22 that we take both the penalty and Section 320.6.1  
23 seriously as we think about this, again corresponding  
24 or following the intent of the law, and that we do  
25 think it would be a good thing and I don't have a

1 path, we don't know exactly how we would do it that  
2 even when penalties are pending that we find ways for  
3 buildings to comply through assistance to low-income  
4 housing. We think that has real promise. I'll  
5 reiterate, I've said this several times already this  
6 morning, we do not want buildings just to pay  
7 penalties forever and not reduce their carbon  
8 emissions. That helps no one. We do not want to let  
9 buildings off the hook if they are choosing not to  
10 comply because they don't want to spend the money or  
11 they can't be bothered to do the work. We want to use  
12 what's in the law to help buildings comply as fast as  
13 they can to have a certain amount of realism so that  
14 we are not punishing buildings that are acting in the  
15 good faith and in accordance with what's laid out in  
16 the law.

18 COUNCIL MEMBER DE LA ROSA: Okay. Thank  
19 you so much for answering my questions.

20 CHAIRPERSON GENNARO: Thank you, Council  
21 Member De La Rosa. Let me just jump in here for a  
22 second and indicate that with regard to your question  
23 regarding jobs and green jobs and union jobs as has  
24 been mentioned already in the hearing, Rit and I and  
25 others have already been in contact with Climate Jobs

2 New York, and so in speaking with you about that, I  
3 think it's very important that you and your Committee  
4 be deeply involved in that effort, and I look forward  
5 to that. With that said, Madam Moderator, are there  
6 any other Council Members that wish to be recognized  
7 for questions?

8 SAMARA SWANSON, MODERATOR: I do not see  
9 any other hands up.

10 CHAIRPERSON GENNARO: Okay. I thought I  
11 was going to come back for a second round. The  
12 Members of both Committees have asked many great  
13 questions that have satisfied me. I'm certainly very  
14 eager to hear from the list of witnesses that want to  
15 weigh in and so now I defer to my co-Chair Sanchez if  
16 she has any closing questions for the administration.

17 CHAIRPERSON SANCHEZ: Thank you so much,  
18 Chair Gennaro, and thank you to all the Colleagues  
19 for your great questions for the administration and  
20 for all your very helpful answers. I think you're  
21 hearing a theme. You're hearing that many of us are  
22 concerned with not going light in any way to those  
23 who are emitting carbon dioxide, greenhouse gases at  
24 high levels. We want to make sure that, yes, let's be  
25 reasonable, but, at the same time, we're keeping eyes

1 on the prize and the penalties are still there to  
2 incentivize compliance. Thank you for all of that.

3  
4 I have a very quick question, and maybe  
5 this is very specific, but Section 28-320.7  
6 Adjustment to Applicable Annual Building Emissions  
7 Limit in the legislation so in the circumstances in  
8 which the administration could adjust the  
9 expectations for particular buildings, there's a  
10 similar list similar to the one that you just laid  
11 out, Commissioner. It includes there have been good  
12 faith efforts, capital improvements that were  
13 necessary were too difficult to implement in a timely  
14 manner, the owner has availed itself of all available  
15 city, state, and federal, private and utility  
16 incentive programs related to energy reduction, and  
17 so on and so forth so the quick question here is  
18 about the order in which the administration would  
19 consider these or is that something that is still  
20 under consideration. The good faith effort should be  
21 the last thing because good faith efforts include  
22 making efforts, sorry, maybe I'm mixing up 2 things,  
23 but going toward alternative compliance mechanisms  
24 should be the last resort, and I just want to make  
25 sure that the administration in every sort of

2 consideration whether it's adjusting the emissions  
3 limit or it is reducing penalties or it is anything  
4 else that as we have said, and I think as the  
5 administration has said but I would love for you to  
6 echo if it's true, that we are compliance first,  
7 mobilization first and then at the very end are we  
8 considering alternative mechanisms and fine  
9 reductions and changes to limits.

10 COMMISSIONER AGGARWALA: Chair, I have  
11 said it many times this morning. I'll say it yet  
12 again. We are focused on mobilization, and you don't  
13 get mobilization by sitting back and getting an  
14 adjustment, you don't get mobilization by paying a  
15 fine. Mobilization comes when buildings make changes  
16 that reduce their carbon footprints. I think we are  
17 on the same page on that. I'll point out, and I  
18 expect you see the distinction here, what I was  
19 citing about the determination of the penalty and  
20 then there is this process countenanced in the law  
21 that you were just reading which is around how the  
22 limits can be adjusted. I know our Colleagues at the  
23 Department of Buildings put out the rules related to  
24 that and so maybe I could ask Gina or Gus to talk  
25

2 about how we are implementing this specific section,  
3 320.7.

4 COMMISSIONER SIRAKIS: Thank you,  
5 Commissioner. We have put out rules for adjustments,  
6 but those were to a different subsection of Article  
7 320 that accounted for extreme conditions for one  
8 particular site where they had a very unique scenario  
9 for their energy usage that made them different from  
10 other buildings in that category and for not-for-  
11 profit hospitals. This adjustment would be part of  
12 future rulemaking, and, as you see, it does have some  
13 very specific guiderails and a pretty specific list  
14 of criteria that one building would need to  
15 demonstrate that they meet and many of these things  
16 are not an easy bar to achieve and it's not just a  
17 pay your way out of doing this, and I do think that  
18 this would be in advance of any violation being  
19 determined. This would be an adjustment to the actual  
20 limit to then determine if someone is exceeding their  
21 limits in the law and thus being in violation so  
22 expect more to come on this, but, if you look at  
23 Article 320.7, it does have some pretty specific  
24 caveats that an individual building would need to  
25 meet. Gina, do you have more to add here?

2 CHIEF SUSTAINABILITY OFFICER BOCRA: Thank  
3 you, Commissioner. I would just like to point out for  
4 Council Member Sanchez that that Section also has  
5 limitations on the timing so if you look at 320.7.1  
6 this is not a forever pass for a building owner.  
7 These adjustments have either a 3-year or a 1-year  
8 limit and then they have to come back to the  
9 Department and again demonstrate that they're doing  
10 everything that they can and that there's some kind  
11 of constraint that they cannot get past so the law  
12 also puts some really strict limitations on that  
13 adjustment.

14 COUNCIL MEMBER DE LA ROSA: Good job to  
15 the law writers. Thank you so much for that. Then a  
16 few questions in particular to NYCHA. Y'all have a  
17 massive capital backlog, and there are many different  
18 ways in which the administration, the state, the  
19 federal government, we all are sort of clamoring to  
20 help you meet that backlog and so my question is  
21 about NYCHA's ability to comply with Local Law 97. Do  
22 you have a cost estimate for what it would cost NYCHA  
23 to comply? Do you anticipate achieving compliance by  
24 2030? What exactly is the roadmap for NYCHA on  
25 compliance?



2 COMMISSIONER AGGARWALA: Please, Vlada, go  
3 ahead.

4 VICE PRESIDENT KENNIFF: Thank you very  
5 much for that question, Madam Chair. There's no  
6 secret there's a 40 billion dollar backlog in  
7 physical needs assessment, capital deferred needs. We  
8 are working very hard, have been advocating on behalf  
9 of our residents to raise dollars for those needs.  
10 It's very important that that happens equitably  
11 across the portfolio, not a couple of buildings, and  
12 you know that very well. We do see Local Law 97 as an  
13 opportunity. As we all know, many of our systems are  
14 at the end of their useful lives, and, if we are  
15 replacing them, we need to be replacing them with  
16 options that are currently on the market that will  
17 decarbonize our buildings, that will remove  
18 combustion-based technologies that are polluting the  
19 neighborhoods and so we don't see it as a burden as  
20 long as we can compete the costs of decarbonization  
21 with boiler replacements because we fully recognize  
22 that the way that the funding has been coming in has  
23 been based on the physical needs assessment and at  
24 sort of the cost of a boiler replacement so that's a  
25 very important piece of how we're approaching

2 decarbonization. That is the reason we launched the  
3 Clean Heat for All Challenge so that we can start to  
4 compete the costs of decarbonization with boiler  
5 replacements. To answer your question about full  
6 compliance, we do have some numbers that are for 2080  
7 compliance. I can just make sure that I confirm it  
8 with my administration and share them with you. I do  
9 not have 2030 compliance numbers, although we can  
10 figure out how to get at them, but there are  
11 significant costs. As you know, there's a 6.6 billion  
12 dollar need alone for heating systems, and these are  
13 just replacements in kind. Electrification at this  
14 point costs more. We also would like to address our  
15 buildings comprehensively. Our drivers are quality of  
16 life as much as decarbonization so in addition to  
17 failing heating systems we do have gas lines that are  
18 failing and plumbing systems that are failing so all  
19 of those needs do need to be addressed and so in  
20 certain cases we have several buildings where we are  
21 trying to address all of the needs at the same time  
22 and, for example, at 1471 Watson, we're doing a  
23 complete electrification and that means we are  
24 removing cooking gas. That requires extensive

1 electrical upgrades. We're replacing windows, etc. I  
2 hope this answers your question.  
3

4 CHAIRPERSON SANCHEZ: That's very helpful.  
5 Thank you. A final question from me. I see that  
6 Council Member Nurse has her hand up. Commissioner  
7 Aggarwala, if you can sort of enlighten for the  
8 public, there are many different rulemaking processes  
9 that are required under Local Law 97 and I know the  
10 Advisory Board as you all have mentioned is hard at  
11 work and a lot of this work is underway, can you just  
12 give us an overview of what is the agenda for the  
13 Advisory Board over the next few months or perhaps  
14 the year?

15 COMMISSIONER AGGARWALA: Thanks, Chair. I  
16 think, first of all, we should separate out the  
17 Advisory Board is not actually driving rulemaking.  
18 The Advisory Board exists to give advice on a number  
19 of issues that DOB will have to make rules about. DOB  
20 and the administration are making the rules, which is  
21 what's established by law so that's the right way to  
22 go about it. Some of that work has already begun in  
23 many cases where we have found a lot of agreement and  
24 consistent recommendations from the Advisory Board as  
25

2 it has done its work, but let me invite Commissioner  
3 Sirakis and Gina...

4 CHAIRPERSON SANCHEZ: Before Commissioner  
5 Sirakis and Gina step in, the Advisory Board has  
6 visibility into the rulemaking process? Are they sort  
7 of involved in advising?

8 COMMISSIONER AGGARWALA: We have to  
9 remember that the rulemaking process is established  
10 in the city's charter so once the rulemaking process  
11 begins the whole world will have the appropriate and  
12 equal visibility into it. The Advisory Board's role  
13 ends when it makes recommendations that the  
14 Department of Buildings and the administration can  
15 take into account as the Department of Buildings  
16 starts its rulemaking, and we do need to be  
17 reasonably clear here. The Advisory Board is not  
18 involved directly in the rulemaking itself. That  
19 would be inappropriate under law.

20 CHAIRPERSON SANCHEZ: Yeah, that is very  
21 strict. Thank you.

22 COMMISSIONER AGGARWALA: Anyway, so we  
23 will go into CAPA with the various components that  
24 have to be done through rule, and, again, as I said,  
25 it's not all one big bang. Work has already begun.

1  
2 There are probably going to be some areas where maybe  
3 there isn't a consensus among the Advisory Board, and  
4 we also acknowledge the Advisory Board may or may not  
5 be fully representative of the entire city so that's  
6 what CAPA does, is it creates that forum where the  
7 general public in its fullness can provide input.  
8 Gus, let me turn it over to you to say more on the  
9 rulemaking processes.

10 COMMISSIONER SIRAKIS: Gina and her team  
11 have been working quite hard for a long time on  
12 actually not just the Advisory Board process but also  
13 the internal drafts of our rulemaking, and we hope to  
14 have something to share very soon with the public at  
15 large, and, as Commissioner Aggarwala correctly  
16 described, we are getting input and feedback from the  
17 Advisory Board and the Working Groups on questions  
18 and topics of note but not specifically anything  
19 directly about writing the rules themselves. The  
20 Advisory Board will continue to meet over the coming  
21 year, and they have a pretty specific scope to answer  
22 questions that are outlined in Local Law 97 in  
23 Article 320 and making their feedback and input known  
24 at large so they will be continuing to meet and  
25 continuing to dialogue and our rules will also evolve

2 over time as Local Law 97 and the requirements evolve  
3 as they change. This is one of those laws that is  
4 quite far-seeing into the future and has requirements  
5 for both the Department from an implementation  
6 standpoint and for property owners and building  
7 owners over the course of time as well. Gina.

8 CHIEF SUSTAINABILITY OFFICER BOCRA: Thank  
9 you, Commissioner. I'll just provide a couple of the  
10 details on the rulemaking that we have in process  
11 right now. Helping owners better understand the  
12 calculation methodology, very basics of complying  
13 with Local Law 97, things like how should they be  
14 calculating their gross square floor area of a  
15 building which can differ from things like zoning  
16 calculations, also looking at how they determine the  
17 occupancy of the building, which as Commissioner  
18 Sirakis suggested, is going to change from what was  
19 under the law before, looking at how they establish  
20 their total emissions for the year, what can count,  
21 what doesn't count, coefficients for types of energy  
22 that were not already included in the law so many of  
23 the normal sources of energy are already laid out but  
24 there are many other types of energy used across the  
25 city that have not been addressed. Over time, we'll

2 also look into things like how does an owner report  
3 for a campus-wide property that has multiple  
4 buildings. Those are the types of details that we  
5 have covered in rulemaking that is already with Law  
6 Department and in process. It should be made public  
7 in the coming months. Over time, we'll also address  
8 other things like how we account for RECS, the  
9 question that was raised earlier, limitations and  
10 details around greenhouse gas offsets, and other  
11 challenges with the law that in their wisdom Council  
12 did not try to pin all of those things down when the  
13 law was passed which gave us a great deal of room to  
14 align with what's happening at the state and other  
15 initiatives so we're appreciative of that and look  
16 forward to continuing that work.

17 CHAIRPERSON SANCHEZ: Thank you so much.  
18 Thank you to Chair Gennaro. Turning it back to you.

19 CHAIRPERSON GENNARO: Thank you, Chair  
20 Sanchez, for your great followup questions. I see  
21 that Council Member Nurse wishes to ask more  
22 questions. I recognize Council Member Nurse.

23 COUNCIL MEMBER NURSE: Thank you. I'll be  
24 short. I just have 2 final questions. The 2024 to  
25 2029 limits seems fair, and you've already pointed

1 out that most of the buildings that exceed the very  
2 high 2024 caps are only just a smidge over them so it  
3 seems like any good faith effort to comply can  
4 happen. I'm just curious why there's an emphasis on  
5 potentially not assessing fines. It seems that  
6 broaching that piece (INAUDIBLE) really just help the  
7 ease the kind of collective anxiety folks are having  
8 around making sure this law has teeth. Sorry if I've  
9 missed parts of it that answered that already.

11 COMMISSIONER AGGARWALA: Council Member,  
12 we do believe that the majority of buildings who are  
13 covered under 2024 will have little, if any, problem  
14 meeting their targets. It is also entirely possible  
15 that some will. I think it's important for us to be  
16 comprehensive in the way we describe what we're going  
17 to do here to be transparent with you all about  
18 things that we are and are not considering and so  
19 that was the intention here. As I've pointed out, all  
20 of this is very much in progress because the  
21 rulemakings have just begun, the Advisory Board has  
22 not completed its work, the administration is in its  
23 early days, and I think the law incorporates, as I  
24 said earlier, a very clear calculation that's just a  
25 math problem to figure out what the penalties are and



2 then it has a relatively clear set of guidelines for  
3 how we think about penalties or limit reductions.  
4 We're going to be looking at all of those aspects to  
5 see how we can achieve mobilization, but I think  
6 that's the most important point is that what we need  
7 to achieve is mobilization.

8 COUNCIL MEMBER NURSE: Okay. My last  
9 question for this hearing is slightly off topic but  
10 on topic. How is the city planning on engaging  
11 buildings that are not mandated to reduce emissions  
12 under Local Law 97 so the 35 percent or more,  
13 affordable housing, the under 25,000 square feet,  
14 what funding currently exists to assist some of these  
15 buildings to get their reductions down and just are  
16 there any conversations among the agencies around  
17 kind of those targets as well?

18 COMMISSIONER AGGARWALA: Certainly.

19 CHAIRPERSON GENNARO: Let me just say  
20 before you answer, Rit, that this question is  
21 somewhat off topic, but I think it is very important.  
22 I'm happy to give Council Member Nurse latitude and  
23 to give you full time to answer this important  
24 question.

25 COUNCIL MEMBER NURSE: Thank you.

2 COMMISSIONER AGGARWALA: Thanks. First of  
3 all, let me just make sure there's no misimpression.  
4 Buildings with 35 percent or more of rent regulated  
5 apartments still are covered if they meet the size  
6 limits under the law. Those are the buildings that  
7 have this prescriptive path where if they do a clear  
8 list of retrofits that are clearly available that  
9 they are deemed in compliance, even if they have not  
10 met the reduction targets. It's entirely possible  
11 that in many cases by doing that prescriptive path  
12 they will meet or even exceed the targets for carbon  
13 reductions that the law requires. I'd say there are  
14 also a number of programs being run right now by the  
15 Mayor's Office of Climate and Environmental Justice  
16 focused on smaller buildings including something we  
17 often forget but not several of the Council Members  
18 here never forget that the vast majority of buildings  
19 in New York are in fact single or one-to-four family  
20 homes and so there is a program, and I have to  
21 confess I'm blanking on its name, maybe Gina or  
22 somebody can help me out, that MOCEJ has that is  
23 focused explicitly on lower income homeowners who  
24 have one-to-four family homes. We have a variety of  
25 programs that are available, many of them actually

2 not ours but Con Ed and state programs that exist to  
3 help low-income homeowners or buildings of all size  
4 types to do those retrofits. In many cases, what I  
5 was describing earlier, that the prescriptive path  
6 retrofits that are required for the buildings with 35  
7 percent rent regulated or more can often be done for  
8 free by taking advantage of state programs or Con Ed  
9 programs. Those state and Con Ed programs are  
10 generally open to all building sizes so there is a  
11 wide variety. I will say I think the wisdom of Local  
12 Law 97 was to focus attention on the largest  
13 buildings where we'll have the biggest impact in the  
14 shortest amount of time. Once we get through the  
15 rulemaking for Local Law 97, once this law is up and  
16 running fully and having the impact that it needs to  
17 have, I think then, of course, the city has to turn  
18 to look at the remainder of its buildings. By the  
19 way, I'll point out that's the way it's happened in  
20 the past where we started with the first laws that  
21 Chairman Gennaro helped write and sponsored  
22 addressing existing buildings and the limits were  
23 expanded over time to cover more and more buildings  
24 as buildings figured out that compliance was not as  
25 difficult as they had originally imagined, and so I

2 think there are 2 approaches that could happen over  
3 time, but the first priority is to get this law  
4 functional.

5 COUNCIL MEMBER NURSE: Great. Thank you,  
6 Chairs.

7 CHAIRPERSON GENNARO: Thank you, Council  
8 Member Nurse. With that, I would like to thank the  
9 Commissioner and everyone from the administration for  
10 giving us the benefit of your comprehensive  
11 testimony, your very candid testimony about the way  
12 the administration is leading the rulemaking on this.  
13 We look forward to working closely with you as the  
14 CAPA process rolls out where you have sharp eyes on  
15 the budget that's going to be released, which is an  
16 ongoing conversation but got off to a very good start  
17 today. I thank the administration and all of my  
18 Colleagues that asked very excellent questions. With  
19 that, I will dismiss the administration, and I know  
20 that you're going to have people who will stay behind  
21 to listen to all of the good testimony that's going  
22 to be put forward today, and we thank you for that.

23 COMMISSIONER AGGARWALA: Thank you. Thank  
24 you all, and we appreciate your support and your  
25 interest.

2 CHAIRPERSON GENNARO: Okay. Thank you.

3 Madam Moderator, we have our witness who is a  
4 celebrity witness and so we look forward to, as you  
5 can see, he's smiling. He smiles a lot. He does  
6 things that make people smile. Madam Moderator, may I  
7 have the opportunity of introducing the next witness?  
8 Would you give me that privilege?

9 SAMARA SWANSON, MODERATOR: Of course.

10 CHAIRPERSON GENNARO: Okay. Thank you,  
11 Madam Moderator. It gives me great honor and great  
12 privilege to bring on our next witness, the great  
13 former Chair of the Committee on Environmental  
14 Protection, passed scores of laws in his tenure as  
15 Chairman and shepherded hundreds through the  
16 Environmental Committee, my good friend and brother,  
17 former Council Member Costa Constantinides, the  
18 author of Local Law 97. Costa, the floor is yours. In  
19 deference to the Council Member, we're not putting  
20 him on the clock.

21 SAMARA SWANSON, MODERATOR: I'd just like  
22 to start the public testimony with an introduction of  
23 the rules of the public testimony.

24 CHAIRPERSON GENNARO: Oh, okay, okay.  
25

2 SAMARA SWANSON, MODERATOR: To begin with,  
3 I'd like to remind everybody that we'll be calling on  
4 witnesses one by one to testify. Each panelist will  
5 be given 2 minutes except Costa Constantinides and  
6 please begin when the Sergeant has started the timer  
7 and given you the cue to begin.

8 Council Members who have questions for a  
9 particular panelist should use the raise hand  
10 function in Zoom, and I will call on you after the  
11 panelist has completed their testimony.

12 For panelists, once your name is called,  
13 a member of our staff will unmute you, and the  
14 Sergeant-at-Arms will give you the go ahead to begin  
15 upon setting the timer. Please wait for the Sergeant  
16 to announce you before you begin your testimony.

17 The first witness is Council Member  
18 Emeritus Costa Constantinides.

19 CHAIRPERSON SANCHEZ: Even wore a green  
20 shirt today. Good to see you, Council Member.

21 COSTA CONSTANTINIDES: Good to see you,  
22 Chair Sanchez. Great to see you all seeing that this  
23 is on Zoom. It is a weird thing for me to be on the  
24 other side of all this and to be in the gallery and  
25 being someone giving testimony and not one that's

2 hearing testimony. Being that I spent 15 years in the  
3 Council and 6 of them with Chair Gennaro as his  
4 Legislative Director and Deputy Chief of Staff, and I  
5 look to him as a mentor and a friend, and we did a  
6 lot of great work together and I hoped to continue  
7 that great work in my time as Chairperson of the  
8 Council's Environmental Protection Committee, and,  
9 Chair Sanchez, I hear only great things on your  
10 tenure thus far and excited to see all the great  
11 things you'll do and so many great new Members on the  
12 Council that are doing so many amazing things so  
13 thank you for indulging me today and allowing me to  
14 testify. Just wanted to give a little bit of  
15 legislative intent and a little bit of measure as to  
16 what we were thinking as we were passing this  
17 legislation.

18 I know you're going to hear a lot of  
19 testimony today, and I haven't quite been called a  
20 celebrity testifier before. I don't know if I should  
21 be wearing sunglasses while giving this testimony,  
22 but I appreciate that. I really wanted to give some  
23 legislative intent and thought to what we were  
24 thinking, why we did certain things, and sort of set  
25 the stage as you're going to hear from myriads of

2 organizations that were part of this process and so  
3 all the activists and everyone, all the stakeholders  
4 on all sides, I say thank you for your great efforts  
5 over the years because this was not a bill we did in  
6 5 days. This wasn't a bill we did in a rush. This was  
7 a bill that was years in the making. I'll begin with  
8 that. This was a bill that we had an Urban Green  
9 Working Group that brought together labor,  
10 environmental organizations, the co-op board, REBNY,  
11 there are a grouping of stakeholders that came  
12 together to think about what this law could look  
13 like. There were hours of meetings with individual  
14 stakeholders on the Council's part from both staff  
15 and Council Members ourselves so this was something  
16 we took, it was painstakingly apparent to us that we  
17 had to do our best to get this right, to make sure  
18 that the law was aggressive but achievable. I  
19 consider myself somewhat intelligent. I know there  
20 are lots of people here who are a lot smarter than I  
21 am, but I don't know how to dress up a climate bill  
22 as a revenue bill. I don't know if I could that. I  
23 was always focused on how do we get the buildings who  
24 were, as been previously testified to, the largest  
25 grouping of emissions in New York City, 35 percent of



2 our overall emissions come from these just 50,000  
3 buildings out of our 1.1 million building stock.  
4 50,000 buildings accounting for 35 percent of our  
5 overall emissions. We had to go where the emissions  
6 were. How are we going to get these buildings to hit  
7 their targets to be the largest emissions reduction  
8 policy in not just New York City but any city in the  
9 world, and we laid out a framework that we feel hit  
10 the mark. Now, there can be disagreement about that,  
11 and I've been wrong before and will be wrong again as  
12 I am a human being, but I feel that we really worked  
13 very painstakingly to get this right. Now, when  
14 talking about what good faith means, we set up  
15 frameworks as I was very encouraged to hear what the  
16 Commissioner was talking about today with having to  
17 go through the steps. Good faith to me means going  
18 through the process, looking at PACE financing,  
19 looking at the retrofit Accelerator, looking to OB to  
20 ensure that they had enough staff and that they're  
21 helping those who need it, and then looking at every  
22 possible state and federal opportunity for funding  
23 and, if all of those processes were exhausted, then  
24 good faith was met and then there could be a  
25 reduction in fines or a reduction in a number but

2 only after an entity had gone through the full  
3 process and really made a good faith effort to get  
4 there. Without that good faith, it's only a promise,  
5 and, as Council Member Gennaro used to talk to me  
6 about, I'd rather write a song about it if we didn't  
7 have teeth. The issue is around fines was less about  
8 wanting someone's money but then wanting their  
9 carbon. I didn't want anyone's money. Someone has  
10 heard me say this time and time again. We didn't  
11 write a revenue bill. We don't want your money. We  
12 want your carbon. The last resort was to fine someone  
13 or to force them to take action, to actually do the  
14 retrofits that are going to create as the Urban Green  
15 Council talked about 50,000 green jobs in New York  
16 City. We were going to get the emissions reduction  
17 that we need, that we were going to make air quality  
18 improved in New York City, and that we were going to  
19 create these 50,000 good jobs. That's what we wanted.  
20 We never wanted anyone's money so when I look at 2024  
21 as the Commissioner talked about, many of the  
22 buildings are going to hit those targets, again,  
23 because we set them as an aggressive plan but  
24 achievable. We should have the processes in place,  
25 the agencies in place to make sure that those other

2 buildings hit their targets. That's what we set out  
3 for. That's what we planned on the entire time. If  
4 there's any testimony today that's saying we rushed  
5 or this was a process that was hastily done or that  
6 this was somehow mean to take money out of people's  
7 pockets, none of those things are true. We did this  
8 for public health, to improve air quality. We did  
9 this to make sure we fight big picture climate  
10 change, and we did this to create jobs in a green  
11 sector that is going to continue to grow and to make  
12 New York City the leader at the time and continuously  
13 make New York City the leader on environmental  
14 legislation so that was the intent that we always  
15 had.

16 I apologize for not having any of this in  
17 writing. I really struggled as to whether or not I  
18 was going to come here today and testify so I kind of  
19 made the decision this morning, but I know I have 72  
20 hours in which to hand in testimony and I will  
21 absolutely send in something on paper that sounds  
22 much more intelligent than my here today. I thank the  
23 Council for indulging me, Chair Sanchez and Chair  
24 Gennaro, for letting me speak today, and I'm looking  
25 forward to seeing Local Law 97 implemented as written

2 and really getting to the heart of what we need to do  
3 as a city, which is reduce emissions from large  
4 buildings to again, as I said before, make our air  
5 quality improved, fight big picture climate change,  
6 and create good-paying jobs for the people of the  
7 city of New York in an industry that's only going to  
8 continue to grow, making New York City the leader on  
9 all 3 fronts.

10 CHAIRPERSON GENNARO: Thank you, Costa,  
11 for being with us today, for making the last minute  
12 call to be here and to get the perspective that only  
13 you can really offer, and, when we talk about the  
14 genesis of Local Law 97 and all the good things that  
15 it's going to do, we are here because of your good  
16 work and the people you partnered with to get this  
17 done, and I think your statement speaks for itself. I  
18 wouldn't change a word of it. I'm very grateful for  
19 what you've done because we wouldn't be here if not  
20 for your great work, and we look forward to your  
21 ongoing engagement in this process. You are a leading  
22 voice on Local Law 97, of course, you being the  
23 author of it, (INAUDIBLE) you have passed the torch  
24 to us and to the administration, and we will not fail  
25 you. That is my statement and my gratitude to you. I

2 would ask Chair Sanchez if she has anything to add to  
3 that.

4 CHAIR SANCHEZ: Just echoing your own  
5 statements, Chair Gennaro. Thank you so much, Council  
6 Member Constantinides. I was in the Office of City  
7 Legislative Affairs when this bill was aging, and it  
8 was very painful. It was one of the longest bills  
9 I've ever seen. That and the lead package. You should  
10 just be so proud. This is the most consequential bill  
11 that the Council passed in many years, and we're  
12 thankful for all of your work and advocacy on this.

13 I do have one question for you, which is,  
14 thank you for your statements on intent and sort of  
15 legislative intent, would you say today hearing what  
16 you heard from the administration that we are on  
17 track with the intent of the legislation 3 years into  
18 this space?

19 COSTA CONSTANTINIDES: I would say that  
20 I'm cautiously optimistic. We're still very early in  
21 the game. If this was a baseball game, we'd be maybe  
22 in the first or second inning, but knowing that we  
23 have to get to the end I think that, again, using the  
24 good faith provision as a last resort, that buildings  
25 have to go through the process of making sure that

2 they can do everything they possibly can and that it  
3 isn't done willy-nilly is so very important. I head  
4 the Commissioner say that over and over again. I am  
5 definitely cautiously optimistic about the  
6 possibilities of getting this law implemented on time  
7 and seeing this continue to be the largest emissions  
8 reduction policy ever written so that is where I'm  
9 thinking right now and hearing the testimony of the  
10 last 2 hours gave me hope so I'm going to continue to  
11 seek that hope and know that it's in good hands with  
12 both Chair Gennaro and yourself, Chair Sanchez.

13 CHAIR SANCHEZ: Thank you so much. Give us  
14 your carbon. I like that.

15 CHAIRPERSON GENNARO: Thank you, Chair  
16 Sanchez, and thank you, Costa, for everything you've  
17 done, for being my friend, for working with me back  
18 in the day, and the relationship continues. God bless  
19 you and your family. Thank you for everything.

20 COSTA CONSTANTINIDES: Thank you for  
21 having me today. It's my honor and my pleasure, and  
22 it's good to be able to come back and speak to the  
23 Council so thank you very much for having me today,  
24 Jim.

2 CHAIRPERSON GENNARO: Anytime, anytime.

3 With that, Madam Moderator, if you could take us to  
4 the next witness I'd be grateful for that.

5 SAMARA SWANSON, MODERATOR: Okay. I'm  
6 going to be calling witnesses 3 at a time, and I  
7 would like to welcome first Louise Yeung from the New  
8 York City Office of the Comptroller to testify, and  
9 she would be followed by Donna De Constanzo of the  
10 Regional Planning Association and also followed by  
11 Susan Waltman of the Greater New York Hospital  
12 Association.

13 SERGEANT KOTOWSKI: Time starts now.

14 LOUISE YEUNG: Hi. Good morning, and thank  
15 you to Chairs Gennaro and Sanchez for the opportunity  
16 to testify. My name is Louise Yeung, the first Chief  
17 Climate Officer to serve at the Office of the  
18 Comptroller. As the city's chief accountability  
19 officer, Comptroller Lander takes a long-term view in  
20 managing risks facing the city including climate  
21 risks that threaten our physical, social, and  
22 financial future. This Local Law 97 represents an  
23 unprecedented opportunity to achieve a just  
24 transition by reducing emissions and creating tens of  
25 thousands of green jobs for New Yorkers. Comptroller

2 Lander was proud to be an early supporter and  
3 cosponsor of the bill, and we are grateful to the  
4 strong coalition of advocates who worked tirelessly  
5 to demand climate action, to former Council Member  
6 Constantinides for his leadership, and the growing  
7 coalition of new Council Members for picking up the  
8 mantle, but this law will only be successful in  
9 achieving that bold climate action if we are  
10 successful in implementing it, and let's be clear  
11 this is a massive undertaking. Effective  
12 implementation will require clear and timely rules  
13 and guidance for building owners, sufficient staff at  
14 DOB, support for owners who need assistance,  
15 especially affordable housing and cooperatives, and  
16 an appropriate mix of fines and incentives to ensure  
17 compliance, and, lastly, strong oversight of the  
18 system as a whole. As a starting point, the city need  
19 to promulgate clear rules so that all building owners  
20 understand exactly what they need to do to achieve  
21 compliance. We look forward to seeing a remapping  
22 approach that takes a more nuanced categorization of  
23 building types so that emission limits are more  
24 thoughtfully defined. We are also eager to have more  
25 clarity on the greenhouse gas coefficients needed to



1 calculate building emissions and hope the rules allow  
2 owners to consider rooftop solar installations  
3 including community solar as effective strategies for  
4 compliance. We want building owners covered by this  
5 law to be equipped with tools and resources to  
6 implement retrofits and achieve compliance. The team  
7 at DOB must be resourced with additional dedicated  
8 staff so that the city is never the bottleneck in  
9 guidance or enforcement. The Comptroller was  
10 disappointed that the administration did not include  
11 additional funding for Local Law 97 compliance in the  
12 DOB preliminary budget, but we were glad to see the  
13 Council's response and hope that those positions are  
14 added in the Mayor's executive budget next week.

15  
16 The city must also expand resources...

17 SERGEANT KOTOWSKI: Time expired.

18 CHAIRPERSON GENNARO: Please continue.

19 Please continue.

20 LOUISE YEUNG: Thank you. I'll be quick.

21 The city must also expand sufficient resources so  
22 that any building owner seeking assistance can be  
23 served by technical experts and that the city can  
24 provide owners with a full suite of financial and  
25

2 technical assistance tools from PACE financing to  
3 state incentives to meet their emissions targets.

4 Where building owners refuse to comply,  
5 penalties will be necessary to address noncompliance.

6 We should keep in the mind the goal is 100 percent  
7 compliance and not fines for failure, and, in those  
8 instances where fines are collected, those penalties  
9 should go towards retrofits for affordable housing.

10 We need to ramp up the city's own building stock  
11 retrofits to meet our own requirements for public  
12 buildings. After just a few short weeks working in  
13 the municipal building and my own time in other  
14 public buildings, I know we have a far way to go, and  
15 we hope to see significant funds in the upcoming  
16 capital budget followed by efficient project delivery  
17 of those improvements across all 5 boroughs. Our  
18 bright spot here was design build authority for DCAS  
19 in the state budget so let's get busy putting that to  
20 good use.

21 Finally, where strong oversight is  
22 necessary to make sure implementation is taking place  
23 with fidelity, that adjustments can be made as  
24 necessary, and that we stay on track to hit this  
25 ambitious target together, the Comptroller's office

2 looks forward to taking a large part in oversight  
3 work. In addition to ensuring that the city's budget  
4 appropriately prioritizes funding commitments needed,  
5 we want to do regular auditing to make sure the  
6 process is functioning as intended and whether we are  
7 on pace to achieve our emissions reduction targets.  
8 We are committed to publicly tracking citywide  
9 progress to retrofit our public and private building  
10 stock through a new climate dashboard that we are  
11 releasing next week. We are optimistic about the  
12 leadership of Council, the leadership of DEP  
13 Commissioner and Chief Climate Officer Aggarwala, and  
14 Acting DOP Commissioner Sirakis, and the abilities of  
15 their expert teams to uphold the requirements of the  
16 Local Law 97 as written, and we know the powerful  
17 coalition of advocates who mobilized to pass it will  
18 continue to be just as resolute in demanding full  
19 throttle implementation, and we appreciate Council's  
20 leadership in holding this timely hearing to strong  
21 oversight. Thank you.

22 CHAIRPERSON GENNARO: Thank you very much,  
23 Louise. We were very happy to give you a little time.  
24 Brad's a great Colleague and a great climate warrior  
25 so I'm happy to give you some latitude to give us the

2 full measure of his views. Thank you very much. If  
3 there are no questions for Louise, we can go to our  
4 next witness. Thank you again. Please give our best  
5 wishes to Brad. Madam Moderator.

6 SAMARA SWANSON, MODERATOR: Okay. The next  
7 witness is Shrvanthi Kanekal of...

8 CHAIRPERSON GENNARO: I think you mean  
9 Donna, right? Donna is next I thought.

10 SAMARA SWANSON, MODERATOR: Oh, Donna De  
11 Costanzo, yes.

12 CHAIRPERSON GENNARO: Right.

13 SERGEANT KOTOWSKI: Time starts now.

14 DONNA DE COSTANZO: Thank you so much.  
15 Good afternoon, Chairs Gennaro and Sanchez and  
16 Members of the Committees on Environmental Protection  
17 and Housing and Buildings. My name is Donna De  
18 Costanzo, and I'm Eastern Regional Director for the  
19 Climate and Clean Energy Program at the Natural  
20 Resources Defense Council. I'm also testifying today  
21 on behalf of the Regional Plan Association.

22 We want to thank the Council and  
23 administration for its leadership and its  
24 longstanding legacy of tackling climate change and  
25 reducing emissions from the building sector. With

2 effective implementation, Local Law 97 will not only  
3 result in significant local benefits, but it also  
4 lays the groundwork for similarly ambitious actions  
5 by other cities around the country who are looking to  
6 the law as a model. We appreciate the very hard work  
7 of the administration and Commissioner Aggarwala,  
8 DOB, and the Mayor's Office of Climate and  
9 Environmental Justice to work towards implementing  
10 the law including their work on the extensive  
11 Advisory Board process. To ensure the law's success  
12 we believe it's critical that the following  
13 principles guide its implementation. Implementation  
14 should prioritize actual investments in buildings,  
15 ensuring ramped up energy efficiency, and all the  
16 local jobs, cost savings, and air quality benefits  
17 that come with it in addition to electrification.  
18 Compliance options should prioritize investments that  
19 benefit residents of affordable housing. Local Law 97  
20 needs to achieve results beyond what is already  
21 required by the state pursuant to its Renewables and  
22 Clean Electricity targets. Reasonable limitations  
23 should be placed on compliance through RECS as  
24 compliance should be focused on work happening in  
25 buildings. We believe that all of these principles

1 would be achieved by the adoption of the compliance  
2 mechanism mentioned earlier by Commissioner  
3 Aggarwala. We are strongly supportive of such a  
4 mechanism, which while providing building owners with  
5 flexibility would invest in affordable housing and  
6 deliver critical local health, economic, and  
7 environmental benefits.  
8

9 We would also like to highlight 2 other  
10 elements critical to Local Law 97's success. DOB must  
11 be provided with the capacity and resources it needs  
12 to effectively implement this law, and New York  
13 City's Accelerator must be scaled up in both scope  
14 and depth to help guide the...

15 SERGEANT KOTOWSKI: Time expired.

16 CHAIRPERSON GENNARO: Please continue and  
17 conclude. (INAUDIBLE)

18 DONNA DE COSTANZO: I'm actually finished.  
19 Just to help guide building owners through the Local  
20 Law 97 compliance process. We want to thank you for  
21 the opportunity to testify today, and we look forward  
22 to working with the Council and the administration on  
23 the law's successful implementation. Thank you.

24 CHAIRPERSON GENNARO: Thank you, Donna. It  
25 gives me a moment of personal pride to cite the good

2 work you did as Counsel to the Committee on  
3 Environmental Protection all those years ago when I  
4 was Chair the last time, and we did so many good  
5 things with you guiding us and the Committee along  
6 lines of excellence, and it's really great to see you  
7 and thank you for your good testimony. Please give my  
8 best to the people at NRDC and RPA.

9 DONNA DE COSTANZO: I will. Thank you,  
10 Jim.

11 CHAIRPERSON GENNARO: You bet.

12 SAMARA SWANSON, MODERATOR: The next  
13 witness is Shравanthi Kanekal of NEJA.

14 SERGEANT KOTOWSKI: Time starts now.

15 SHRAVANTHI KANEKAL: Good afternoon, Chair  
16 Gennaro, Chair Sanchez, and Members of the Council.  
17 My name is Shравanthi Kanekal, and I'm the Resiliency  
18 Planner for the New York City Environmental Justice  
19 Alliance. NEJA is a nonprofit citywide membership  
20 network linking grassroots organizations from low-  
21 income neighborhoods and communities of color in  
22 their struggle for environmental justice. The passage  
23 of Local Law 97 was a momentous step forward in  
24 aiming to reduce greenhouse gas emissions from the  
25 city's emitting sources, buildings. With less than 2

1 years left until thousands of building owners need to  
2 meet the first compliance standards, NEJA urges the  
3 city to focus its efforts on equitably and  
4 aggressively implementing the law. In the wake of the  
5 COVID-19 pandemic and the following unemployment  
6 crisis and ongoing climate crisis, the successful  
7 implementation of Local Law 97 provides an incredible  
8 opportunity to create thousands of good green jobs,  
9 move us towards our climate goals, and directly  
10 invest in reducing harmful localized pollution levels  
11 in environmental justice communities. I'll only raise  
12 a couple of points in my testimony because I don't  
13 have much time but will submit a more detailed  
14 written testimony.

16 There's an urgent need for additional  
17 funding for increased staffing at DOB's Office of  
18 Building Energy and Emissions Performance. We remain  
19 extremely concerned that the Office's current staff  
20 positions and funding are not consistent with the  
21 upcoming responsibilities including driving outreach  
22 and education to building owners and eventually  
23 managing compliance and enforcement. OBEEP needs to  
24 expand outreach to all sectors to ensure building  
25 owners are aware of the law, their compliance



2 obligations as well as resources available to them  
3 such as Accelerator and other funding opportunities.  
4 Energy efficiency will play a bigger life-saving role  
5 in environmental justice communities across the city.  
6 Decarbonizing buildings will be critical in reducing  
7 local air pollution from fossil fuel power plants and  
8 fossil gas infrastructure disproportionately located  
9 in environmental justice communities.

10 I know I'm out of time, but I just have  
11 one more...

12 SERGEANT KOTOWSKI: Time expired.

13 CHAIRPERSON GENNARO: Please take a moment  
14 to conclude.

15 SHRAVANTHI KANEKAL: Thank you. Scientists  
16 have said we have just less than a decade to address  
17 the climate change. We must move forward with the  
18 implementation of Local Law 97 in a fair, equitable  
19 way to advance New York City's climate and economic  
20 recovery goals, to curb emissions, create  
21 environmental justice equity, and create good clean  
22 jobs. Thank you for the opportunity to testify today.

23 CHAIRPERSON GENNARO: Thank you very much,  
24 Shravanthi. We certainly appreciate having the  
25 perspective of the New York City Environmental

2 Justice Alliance. We thank you for your testimony  
3 today, and please say hi to Eddie for us, okay?

4 SHRAVANTHI KANEKAL: I will. Thank you,  
5 Chair.

6 CHAIRPERSON GENNARO: For all the  
7 witnesses, everyone, Samara, make sure everyone knows  
8 where they can send their full testimony to. There's  
9 a website or a link or whatever so we look forward to  
10 getting your full testimony. We thank you for your  
11 views.

12 SAMARA SWANSON, MODERATOR: The next  
13 witness will be Carlos Castell Croke of the New York  
14 League of Conservation Voters.

15 SERGEANT KOTOWSKI: Time starts now.

16 CARLOS CASTELL CROKE: Good afternoon. My  
17 name is Carlos Castell Croke, and I am the Associate  
18 for New York City Programs at the New York League of  
19 Conservation Voters. NYLCV represents over 30,000  
20 members in New York City, and we are committed to  
21 advancing a sustainability agenda that will make our  
22 people, our neighborhoods, and our economy healthier  
23 and more resilient. I'd like to thank Chairs Gennaro  
24 and Sanchez for the opportunity to testify today.

2           We have ambitious goals to reduce  
3 greenhouse gas emissions in the coming years, and, if  
4 we want to truly tackle climate change in hopes of  
5 preventing further increases in disastrous  
6 superstorms, dangerous floods, and other growing  
7 climate hazards, we must be actively working towards  
8 these goals. In New York City, buildings account for  
9 70 percent of the city's carbon emissions, and this  
10 is why we passed Local Law 97 in 2019, to directly  
11 combat the source of climate change inducing  
12 emissions. We are encouraged to hear from the  
13 Commissioner that the administration is committed to  
14 implementing Local Law 97 and to reduce emissions  
15 from buildings. With the first round of caps starting  
16 in less than 2 years, we must ensure that the city  
17 and building owners are prepared to have the  
18 resources to comply. As they said, establishing the  
19 rules for 2024 should be the top priority for the  
20 administration, and this should be completed as soon  
21 as possible. While there will be consequences for  
22 noncompliance, the primary purpose of this law is to  
23 reduce emissions, and, therefore, building owners  
24 must be given multiple tools to do so. We must ramp  
25 up programs like PACE to make sure retrofits are

2 affordable and ensure that renewable energy is  
3 available by approving upstate Tier 4 projects. We  
4 are also very thankful that the Council included  
5 funding for more OBEEP staffing to help ensure smooth  
6 implementation of the law in their budget response.  
7 The Department of Buildings will need increased  
8 support in order to analyze and develop  
9 recommendations, finalize sentinel details of the  
10 rules, and educate building owners on the new  
11 regulations and available resources. This law is a  
12 critical step toward reducing emissions and  
13 combatting climate change. We cannot afford any  
14 missteps or delays. With this law, we are setting an  
15 example for the rest of the world. Let's exemplify  
16 the strong leadership that New York City is known  
17 for. Thank you.

18 CHAIRPERSON GENNARO: Thank you, Carlos,  
19 very much. It's always great to hear from you, to  
20 work with you, and we appreciate the (INAUDIBLE).  
21 Regarding the last witness, you both made reference  
22 to the Office within the Buildings Department, OBEEP.  
23 We certainly are hoping for good things in the  
24 budget, and, if we don't hear good things in the  
25 budget, there will be turmoil so we appreciate you

2 drawing down on that, and thank you for being here  
3 today, and please give our best to Julie.

4 SAMARA SWANSON, MODERATOR: Thank you. The  
5 next witness will be Michael Yaki from Petros PACE  
6 Financing.

7 SERGEANT KOTOWSKI: Time starts now.

8 MICHAEL YAKI: Thank you very much, Chair  
9 Gennaro, Chair Sanchez. My name is Michael Yaki,  
10 Senior Vice President of Petros PACE Finance, a  
11 commercial PACE provider, and there were a couple of  
12 questions about the commercial PACE program which was  
13 enabled by Local Law 96, which was a companion to  
14 Local Law 97. I just wanted to say that, one, we're  
15 very proud to have been the first PACE financing in  
16 New York City and the largest ever done, 89 million  
17 dollars from 111 Wall Street, doing exactly what it  
18 is within that Local Law 97 wanted to do which is to  
19 take larger buildings, this was the former Citibank  
20 headquarters, and retrofit and bring it into  
21 compliance with the emission limits for the  
22 betterment of the city. We are a strong supporter of  
23 Local Law 97. We look forward to continuing our work,  
24 and I'd like to tell you that right now we have  
25 another project in the pipeline that an application

2 has been submitted for a landmark building that a lot  
3 of you will be familiar with when it gets announced  
4 in the middle of city, it's a historic building, one  
5 of the grande dames of the jazz age of New York City.

6 I just wanted to add one point about how  
7 C-PACE works with new construction, too, because that  
8 was alluded to, and we're very, very pleased that the  
9 Mayor's Office withdrew the guidelines that were  
10 published to date and is committed to working with  
11 the industry on this. It's something that has the  
12 ability to, C-PACE can help new buildings get to and  
13 exceed code, the codes that you're putting into  
14 effect, whether it's electrification, whether it's  
15 energy efficiency, and we're hoping that we'll be  
16 able to work with the city to get guidelines that  
17 will work to ensure that PACE can be unleashed in  
18 that area too. I want to thank Chair Gennaro for his  
19 leadership and his receptivity to working with us and  
20 the industry and the Mayor's Office as we go forward.  
21 Thank you very much.

22 CHAIRPERSON GENNARO: Thank you, Michael.  
23 It's been great to work with you. As we talked about  
24 in the past, certainly we hear about PACE from the  
25 administration. If there's anything from your

2 perspective going forward that you want to bring to  
3 the direct attention to myself or my co-Chair, you  
4 know, you know how to reach me. Happy to engage on  
5 any matter regarding PACE where you think it needs  
6 our attention, and we appreciate the good work that  
7 you do in providing financing to get buildings Local  
8 Law 97 compliant, and we look forward to many good  
9 things that you and other people in the PACE finance  
10 world will bring to New York City. Thank you so much.

11 MICHAEL YAKI: Thank you, sir.

12 SAMARA SWANSON, MODERATOR: Thank you,  
13 Chair Gennaro. The next witness is Brett Thomason of  
14 the Steamfitters Union.

15 SERGEANT KOTOWSKI: Time starts now.

16 BRETT THOMASON: Thank you, Chair Gennaro,  
17 for letting me speak with you today. My name is Brett  
18 Thomason. I am the Political Director of the  
19 Enterprise Association of Steamfitters, Local 638.  
20 Our union represents over 9,300 hardworking highly  
21 skilled and trained men and women in the pipe trades  
22 working in New York City and Long Island. The work  
23 our construction and maintenance professionals do on  
24 building systems is going to be essential to ensuring  
25 that buildings maximize energy efficiency and

2 modernize in order to meet the pollution-cutting  
3 goals of Local Law 97. Our members have the knowledge  
4 and expertise to ensure that work is done correctly  
5 and efficiently, and the training our members have  
6 ensures that systems that will be built or placed and  
7 modernized are done to the highest possible  
8 standards, and our collectively bargained wages and  
9 benefits means that the people working those jobs  
10 will have access to family-sustaining middle-class  
11 careers.

12 If implemented properly, we think Local  
13 Law 97 could be an important source of jobs for our  
14 members for the next 3 decades. It's been encouraging  
15 to hear the number of people testifying to the  
16 importance, the economic development importance of  
17 this law, and we want to acknowledge that.

18 However, one of the issues that's been  
19 pervasive in our industry has been the lack of  
20 oversight and enforcement from DOB and other city  
21 agencies that leads to low-road job standards for  
22 employers, cost overruns, and poor installation on  
23 construction and retrofit projects. We want to echo  
24 the number of people that have already spoken today  
25 to urge the Council to pay diligent attention to



2 adequately staffing DOB and the competent experts at  
3 the Office of Building Energy and Emissions  
4 Performance. Our industry relies on steady,  
5 thoughtful, and measured guidance that sends a clear  
6 market signal so that contractors and employers in  
7 the energy efficiency sector can plan and grow as New  
8 York builds out its clean energy economy. That's an  
9 economy that the...

10 SERGEANT KOTOWSKI: Time expired.

11 CHAIRPERSON GENNARO: Please continue.

12 Please continue.

13 BRETT THOMASON: Apologies. I'll wrap it  
14 up. Just to say that that clean energy economy is one  
15 that we plan to be at the center of so that we can  
16 provide more access and opportunities for New Yorkers  
17 to join the building trades and develop their  
18 careers.

19 I just want to close with saying that we  
20 are urging strict enforcement of the law, and  
21 investment is key for us because we know when public  
22 dollars are funding these projects, they're more  
23 likely to go union and create good jobs. Thank you  
24 for the time and apologies for the overrun.

2 CHAIRPERSON GENNARO: Thank you, Brett.

3 Always good to see you, work with you and the good  
4 folks of Local 638. Please submit your testimony in  
5 full, and, to the extent that you want to elaborate  
6 to me directly or to Chair Sanchez from the Committee  
7 on Housing and Buildings about some issues you're  
8 having with the Buildings Department and them doing  
9 what they need to do regarding oversight so that  
10 things proceed along the lines of excellence, we're  
11 more than happy to go to bat for you. (INAUDIBLE)  
12 638, I'm happy to go to bat for you, but, certainly,  
13 I think I speak for my co-Chair in saying that we  
14 would be happy to take any issues you have with the  
15 Buildings Department to make sure that you get what  
16 you're looking for and they're doing what they need  
17 to do. Really appreciate you being here today, and  
18 please give my best wishes to all the leadership of  
19 638.

20 BRETT THOMASON: Thank you.

21 CHAIRPERSON GENNARO: You bet.

22 CHAIRPERSON SANCHEZ: Absolutely. Just  
23 echoing that. Thank you, Chair Gennaro.

24 CHAIRPERSON GENNARO: Thank you.  
25

2 SAMARA SWANSON, MODERATOR: Our next  
3 witness is Bob Friedrich of Glen Oaks Village.

4 SERGEANT KOTOWSKI: Time starts now.

5 BOB FRIEDRICH: Hello. My name is Bob  
6 Friedrich, and I am President of New York's largest  
7 garden apartment co-op, Glen Oaks Village, an  
8 affordable housing co-op made up of 3,000 working  
9 class families, city workers, and many seniors living  
10 in 134 buildings. Local Law 97 endangers that  
11 affordability. The New York City Council has imposed  
12 crippling financial costs and penalties on our  
13 families, your constituents. This is the greatest  
14 unfunded mandate and penalty ever imposed by the City  
15 Council on co-op residents. The Climate Mobilization  
16 Act requires us to undertake costly retrofitting of  
17 our heating and hot water systems regardless of our  
18 ability to pay and regardless of need. We now know  
19 what those crushing costs and penalties will be  
20 because we have spent 64,000 dollars on a Local Law  
21 97 mandated study of our heating plan. The  
22 devastating report shows that for us to be compliant  
23 with the law, we will need to spend 17 to 20 million  
24 dollars, money we don't have, on boilers we don't  
25 need. If we do not spend this money between 2024 and

2 2030, we will be assessed annual fines that will rise  
3 to 1,096,200 dollars every single year. These fines  
4 are as unaffordable as the 20 million dollar  
5 expenditure for boilers. To make matters worse, even  
6 if we spend 20 million dollars on the most efficient  
7 boilers available today, our fines will not be fully  
8 mitigated. They will be reduced by 278,000 dollars,  
9 meaning we will still be fined 818,000 dollars  
10 annually. That is because the one-size-fits-all  
11 algorithms used to determine greenhouse emissions  
12 doesn't work for many buildings. So what are the real  
13 costs to real families? Paying for this will require  
14 each family here 7,200 dollars, money they don't  
15 have. In addition, the fines that are not abated will  
16 require an additional 5 percent monthly increase in  
17 their maintenance, and that is in addition to the  
18 rising property taxes and other costs of operation...

19 SERGEANT KOTOWSKI: Time expired.

20 CHAIRPERSON GENNARO: Please conclude,  
21 Bob. Please conclude.

22 BOB FRIEDRICH: Okay. This is insanity,  
23 and loans only make it more costly. These are real  
24 numbers that will bankrupt our co-op and our  
25 families, again, your constituents. They keep me and

2 other Board Presidents up at night trying to figure  
3 out how we get you to understand the predicament. We  
4 urge you to exempt affordable co-ops from this  
5 legislation then reassess the decision in the future  
6 when more data is available and many co-ops would  
7 have begun the natural transition to newer boilers as  
8 they retire the older ones. If this is not, we will  
9 see real devastating to our affordable co-op  
10 communities. Thank you for giving me this  
11 opportunity.

12 CHAIRPERSON GENNARO: Thank you, Bob.  
13 People should know that Bob and I have known each  
14 other a long time. I don't have the privilege of  
15 representing Glen Oaks Village, but Linda Lee does  
16 and so just a note to my own office staff that is  
17 listening, we should, Nabi or whoever is listening,  
18 we should set up a meeting with Council Member Lee  
19 who represents Glen Oaks Village and myself and  
20 someone from the administration and let's sit down  
21 with the good folks of Glen Oaks Village and come to  
22 an understanding. That's what I'm willing to put on  
23 the table now, Bob, and we'll take it from there.

24 BOB FRIEDRICH: Thank you, Jim. I really  
25 appreciate it, and I know you've really been helpful

2 in this and we look forward to that. Thank you so  
3 much.

4 CHAIRPERSON GENNARO: Thank you for giving  
5 the perspective of the good people of Glen Oaks  
6 Village and bringing that to the table today. We do  
7 appreciate that. You've been a leader there for a long  
8 time, and you've dedicated so much of our life to  
9 Glen Oaks Village and that is a testament. They're  
10 lucky to have you to be their advocate so thank you,  
11 Bob, and we'll set up that meeting. Nabi, make sure  
12 that happens. Thank you, Bob.

13 BOB FRIEDRICH: Thank you.

14 CHAIRPERSON SANCHEZ: If I could just add  
15 a question.

16 CHAIRPERSON GENNARO: Of course, of  
17 course. I'm sorry.

18 CHAIRPERSON SANCHEZ: No problem, Chair.  
19 If I could just add a question. First of all echo  
20 Council Member Gennaro's, just thank you for sharing  
21 this perspective. It's really critical for us to hear  
22 and for us to debate and discuss and, of course,  
23 assist you in any way that we can. How many units of  
24 housing are within the co-op?

2 BOB FRIEDRICH: We have 3,000 families  
3 here. It's about 10,000 residents. We have 134, 2-  
4 story buildings. We have 47 boiler rooms. It's a big  
5 place, but these penalties are really crushing, and I  
6 really do look forward to speaking to you guys in the  
7 future to put real numbers on this. By the way, we  
8 all want a clean environment. If you look at the  
9 background picture behind, we have a lot of trees, a  
10 lot of open space, and we cherish the greenery and we  
11 (INAUDIBLE) the open space, but we need to be able to  
12 afford this in a timeframe that makes sense. That's  
13 the issue here, but we'll talk about that going  
14 forward.

15 CHAIRPERSON SANCHEZ: Thank you so much.

16 BOB FRIEDRICH: Thank you.

17 CHAIRPERSON GENNARO: Thank you, Bob, and  
18 thank you, Chair Sanchez, for your interest and  
19 concern.

20 SAMARA SWANSON, MODERATOR: The next  
21 witness will be Lonnie Portis of WE ACT.

22 SERGEANT KOTOWSKI: Time starts now.

23 LONNIE PORTIS: Hi. Good afternoon, Chair  
24 Gennaro and Chair Sanchez. I'm Lonnie J. Portis. I'm  
25 the Environmental Policy and Advocacy Coordinator

2 here at WE ACT for Environmental Justice. I want to  
3 first take the opportunity to thank both Chair  
4 Gennaro and Chair Sanchez for holding what climate  
5 advocates feel is one of the most important hearings  
6 the Council will hold this session.

7 WE ACT is an organization based in Harlem  
8 and it has been fighting environmental racism on the  
9 city, state, and federal levels for more than 30  
10 years. WE ACT is testifying on the need to invest in  
11 the city's future by funding environmental and  
12 climate policies and programs. This Council has the  
13 rare opportunity to make the budget as climate  
14 forward as possible which will take bold necessary  
15 investments. This year, we're fighting for funding to  
16 ensure that we make significant progress in  
17 implementing Local Law 97 equitably as written and  
18 creating thousands of good green jobs here in New  
19 York City. Given my time, I'll get straight to the  
20 point here. I do acknowledge that the New York City  
21 Council's response to the fiscal 2023 preliminary  
22 budget and fiscal 2022 preliminary Mayor's Management  
23 Report the Council asked for 450,000 dollars for 6  
24 additional OBEEP positions for Local Law 97  
25 implementation, and, while this is great awareness of



2 a clear need, there needs to be more positions  
3 dedicated to this work given the number of buildings  
4 that will need to comply and the importance of  
5 meeting the law's mandates. In addition, the Council  
6 should fund a major public education program through  
7 the NYC Accelerator to strengthen the public  
8 knowledge and awareness of the city's climate  
9 policies and the intersection of air pollution health  
10 and infrastructure. The most effective watchdogs are  
11 often the ones who are on the ground and closest to  
12 the work. Tenants should know and understand the  
13 requirements set forth by Local Law 97 and can act as  
14 on-the-ground enforcement to ensure that building  
15 owners are meeting their requirements. This can only  
16 happen if the public is aware of the responsibilities  
17 that the landlords and methods of recourse available  
18 for them. Additionally, educating the public on the  
19 intersection of climate health and infrastructure  
20 leads to more informed and...

21 SERGEANT KOTOWSKI: Time expired.

22 LONNIE PORTIS: Who in turn can better  
23 stewards of the environment themselves. Again, thank  
24 you for the opportunity to testify today. I'm looking  
25 forward to working with Chair Gennaro and Chair

2 Sanchez on Local Law 97 implementation and thank you  
3 for your time.

4 CHAIRPERSON GENNARO: Lonnie, always great  
5 to see you. Always great to talk to you. Please  
6 submit your testimony in full, and just a note to  
7 staff the education piece that Lonnie speaks of I  
8 think is critically important to the extent that you  
9 have detailed ideas about that, Lonnie, that WE ACT  
10 can share with my office and with Chair Sanchez and  
11 with the Council's central staff. We'll make sure  
12 that that gets woven into the fabric of how Local Law  
13 97 gets rolled out so we thank you for that key piece  
14 on education and how critical that is to people who  
15 are on the ground. You folks are on the ground and  
16 any wisdom you could give us on the best way to do  
17 that would be greatly appreciated, and please say hi  
18 to Peggy for us.

19 LONNIE PORTIS: Will do.

20 CHAIRPERSON GENNARO: Chair Sanchez is  
21 backing me up in all of this and so..

22 CHAIRPERSON SANCHEZ: Absolutely.

23 CHAIRPERSON GENNARO: Thank you very much.  
24 Look forward to seeing you again soon, Lonnie.

25 CHAIRPERSON SANCHEZ: Thank you, Lonnie.

2 LONNIE PORTIS: Thank you.

3 SAMARA SWANSON, MODERATOR: Our next  
4 witness is Alex Shapanka of REBNY.

5 SERGEANT KOTOWSKI: Time starts now.

6 ALEX SHAPANKA: Good afternoon, Chairs  
7 Gennaro and Sanchez and other Members of the City  
8 Council who are still with us. Thank you for the  
9 opportunity to speak today. My name is Alex Shapanka.  
10 I'm the Assistant Vice President of Policy at REBNY.  
11 REBNY supports Local Law 97's goal of decarbonizing  
12 the build environment and is eager to continue  
13 serving as the city's partner in achieving our shared  
14 climate goal, which is a carbon-free New York City on  
15 the timetable adopted within the law.

16 Since New York City's buildings  
17 collectively account for the majority of the city's  
18 carbon emissions, the build environment needs to make  
19 meaningful carbon reductions if we are to achieve a  
20 more sustainable and equitable city. To effectively  
21 do so, policymakers needs to strengthen Local Law 97  
22 by improving certain elements of the law to account  
23 for the unique circumstances of each property and  
24 enact practicable solutions to ensure our carbon  
25 reduction targets are met. Those solutions, in no

2 particular order, should include, 1, an appropriate  
3 metric, 2, financial support to buildings to reduce  
4 emissions, 3, support for reduction of emissions from  
5 electricity and district steam, and, 4, drive  
6 investments to improvements of buildings, not  
7 penalties.

8 First, we need to improve the metric that  
9 better accounts for the buildings' different  
10 realities and normalizes factors including density,  
11 hours of operations, and the specific type of use  
12 within the building. The metric should appropriately  
13 balance the need to incentivize on-site energy  
14 reduction and use lower carbon energy inputs in  
15 building electrification.

16 Second, the city needs to provide  
17 financial support to buildings to secure emissions  
18 reductions. The improvements that building owners  
19 will need to make properties come into compliance  
20 with Local Law 97 caps come with the significant  
21 price tag we've heard earlier today. Unfortunately,  
22 the costs required to decarbonize these buildings is  
23 substantial and will cause substantial costs on  
24 residents, whether they're renters, owners, or co-op  
25 shareholder. A wide range of programs beyond what is

2 offered today are going to be needed to help these  
3 buildings come into compliance and make those  
4 investments.

5 Third, the city needs to support  
6 emissions reduction from electricity and district  
7 steam generation. Achieving the goals of Local Law 97  
8 requires aggressive decarbonization of electricity  
9 within the 5 boroughs. The city has been a strong  
10 supporter of efforts to bring renewable power into  
11 the city from upstate renewables, Canadian  
12 hydropower, and offshore wind.

13 SERGEANT KOTOWSKI: Time expired.

14 CHAIRPERSON GENNARO: Please summarize,  
15 Alex.

16 ALEX SHAPANKA: Sure. The other point is  
17 until we have a decarbonized grid, we need to make  
18 sure that there are flexible options including  
19 renewable energy credits to allow building owners to  
20 invest for Local Law 97 compliance and also to make  
21 sure they can support the infrastructure and  
22 renewable energy generation.

23 Again, there needs to be greater  
24 attention to district steam, which we believe is a  
25

2 key component to helping convert existing buildings  
3 to less carbon-intensive energy sources over time.

4 Finally, penalties resulting from Local  
5 Law 97 are currently earmarked for the city's general  
6 fund with no obligation for funds to be used to  
7 support building decarbonization. We think this is a  
8 missed opportunity, and we agree with the city and  
9 others who espoused ideas earlier that there should  
10 for owners exceeding their caps for current  
11 compliance to make sure that that money is used to  
12 improve performance of buildings with below market  
13 rate units.

14 CHAIRPERSON GENNARO: Thank you, Alex. I  
15 think the Commissioner's testimony hit on some of the  
16 points that you made and happy to have an ongoing  
17 conversation with you and all stakeholders, and I  
18 want to thank REBNY for their strong support of the  
19 Tier 4 projects that are certainly critical. I think  
20 Ryan is going to be testifying later on today or is  
21 he, later on, I think he was scheduled..

22 ALEX SHAPANKA: He was scheduled to  
23 testify, but he got tied up.

24 CHAIRPERSON GENNARO: Yes, okay. If he  
25 comes once all the other groups have gone because

2 that's how we're doing it so you're sort of taking  
3 his slot, but we'll all work it out. Alex, thanks for  
4 being here and bringing us the benefit of REBNY's  
5 views. It's most appreciated.

6 ALEX SHAPANKA: Thank you.

7 SAMARA SWANSON, MODERATOR: Our next  
8 witness is Chris Halfnight of Urban Green Council.

9 SERGEANT KOTOWSKI: Time starts now.

10 CHRIS HALFNIGHT: Good afternoon, Chairs  
11 Gennaro and Sanchez and Council Members. It's nice to  
12 see you all. I'm Chris Halfnight, Director of Policy  
13 at Urban Green Council. We're an environmental  
14 nonprofit working to reduce carbon in New York City  
15 buildings. Urban Green thanks the Council and staff  
16 for today's hearing and for continued focus on  
17 climate progress, and we support and greatly  
18 appreciate the very strong commitment we heard today  
19 from this administration to full and effective  
20 implementation of Local Law 97. That is crucial. We  
21 also appreciate the ongoing efforts of the  
22 administration's leadership here today and staff  
23 including the excellent teams at DOB and MOCEJ.  
24 Successful implementation means ensuring the law  
25 remains ambitious, equitable, and practical, driving

1 down carbon emissions through investments in New York  
2 City buildings that will also create new green jobs,  
3 save energy, and reduce pollution. We offer some  
4 detailed recommendations in our written testimony,  
5 many of which support the administration's points  
6 today including 1, increased funding for  
7 implementation. DOB is doing a great job, but they  
8 need more staff and more money as we've heard today  
9 including for consultants to do modeling to inform  
10 requirements for future compliance periods, and we're  
11 grateful that the City Council included this focus in  
12 new funding in its budget response.

14           Second, finalize details through rules  
15 for the first compliance period as soon as it's  
16 possible. The market needs certainty to plan and  
17 execute compliance action.

18           Third, prioritize investments in New York  
19 City buildings. A variety of compliance options  
20 including renewable energy credits provides valuable  
21 flexibility but reasonable limitations will help  
22 ensure the law drives on-site upgrades.

23           Four, we strongly support adding a new  
24 compliance option with appropriate guardrails for  
25 building owners to pay into a fund for



2 decarbonization in affordable housing as we heard  
3 today instead of sending money to penalties.

4 Five, increase outreach and support  
5 significantly, particularly for smaller buildings  
6 with fewer resources.

7 Lastly, with just another second here,  
8 it's crucial the city continue to lead by example  
9 with work in public buildings to meet its own  
10 requirements under the law.

11 Thank you for the opportunity to comment,  
12 and we look forward to continuing our work with the  
13 Council and the administration on successful  
14 implementation.

15 CHAIRPERSON GENNARO: Thank you, Chris.  
16 Always great to see you, and I certainly appreciate  
17 the long partnership that Urban Green has both with  
18 the Council and with the administration. The work we  
19 recently did on Gas Ban bill and certainly appreciate  
20 your valuable insights, and please give us your  
21 comments in full, and they will certainly receive due  
22 consideration. Again, great to see you.

23 CHRIS HALFNIGHT: Thank you, Chair.  
24  
25

2 SAMARA SWANSON, MODERATOR: Our next  
3 witness is Martha Sickles from the Association for  
4 Energy Affordability.

5 SERGEANT KOTOWSKI: Time starts now.

6 MARTHA SICKLES: Good afternoon. My name  
7 is Martha Sickles. I'm speaking on behalf of the  
8 Association for Energy Affordability, a not-for-  
9 profit dedicated to achieving energy efficiency and  
10 transitioning to green energy in new and existing  
11 buildings. Thank you, Committee Chair Sanchez and  
12 Gennaro and Committee Members for holding this  
13 oversight hearing and the opportunity to testify.  
14 Thanks also to Chief Climate Officer Aggarwala and  
15 his Colleagues for comprehensive and enlightening  
16 testimony addressing some of our issues.

17 Successful implementation of the CMA and  
18 Local Law 97 is essential to reduce carbon emissions  
19 and pollution while providing greater comfort and  
20 health to New Yorkers. Building retrofits and  
21 electrification will generate investments in  
22 thousands of good green career track jobs. It is  
23 important that the implementation strategies ensure  
24 an equitable and just energy transformation inclusive  
25 of all neighborhoods, building types, racial and

1 socioeconomic groups. We appreciate the commitment of  
2 this administration and the City Council to execute  
3 Local Law 97. We offer support and principles for  
4 effective and efficient implementation.  
5

6 Compliance paths should focus less on  
7 RECS, although it's an important method, and look for  
8 others. A new alternative compliance concept  
9 referenced by Commissioner Aggarwala is creation of a  
10 new equitable building fund into which building  
11 owners could pay what would be funds that could be  
12 used to fund energy efficiency and clean energy  
13 upgrades in affordable housing.

14 Adequate funding for all agencies  
15 contributing to Local Law 97, particularly the Office  
16 of Building Energy and Emissions that's tasked with  
17 the rulemaking and implementation of Local Law 97. It  
18 requires additional staff for successful  
19 implementation beyond the good additional funding in  
20 the City Council budget response.

21 We also hope for additional funding for  
22 DCAS, NYCHA, HPD, and EPA, with adequate funds for  
23 the city to lead by example in reaching emissions  
24 targets in its buildings, fleets, and operations.  
25 Project funding and finance...

2 SERGEANT KOTOWSKI: Time expired.

3 CHAIRPERSON GENNARO: Please conclude.

4 MARTHA SICKLES: Are important for  
5 building owners. We hope the city will leverage  
6 private capital enhanced by government supplements as  
7 well as tax credits to fund the high cost of  
8 retrofits.

9 Finally, outreach and education to engage  
10 owners, managers, and residents in building retrofit  
11 and energy use reduction should be coordinated with  
12 the state and utilities to optimize resources. The  
13 Accelerator program should be reviewed for impact,  
14 and funding should be provided to local community-  
15 based organizations, especially disadvantaged  
16 communities to ensure most equitable energy  
17 transition.

18 We're committed to supporting you and the  
19 effective implementation of Local Law 97 and thank  
20 you for the opportunity to come in today. I'll submit  
21 written testimony. Thank you so much.

22 CHAIRPERSON GENNARO: Thank you, Martha.  
23 Please do submit your full testimony. Always good to  
24 see you. Thank you for being here today and happy to  
25 give you a little latitude to give us the benefit of

2 your views, but please submit your full testimony and  
3 we will value that. Thank you so much.

4 MARTHA SICKLES: Thank you.

5 CHAIRPERSON GENNARO: Samara, before you  
6 call the next witness, why don't you call the next 3  
7 or 4 so people know that they're in the queue and  
8 they're coming up?

9 SAMARA SWANSON, MODERATOR: Okay. The next  
10 witness is Lucia Santacruz of the Urban Homesteading  
11 Assistance Board. She will be followed by Pete Sikora  
12 of New York Communities for Change and Jeff Rios of  
13 the American Council of Engineering Companies of New  
14 York.

15 SERGEANT KOTOWSKI: Time starts now.

16 LUCIA SANTACRUZ: Good afternoon,  
17 everyone. My name is Lucia Santacruz, and I'm here on  
18 behalf of UHAB, or the Urban Homesteading Assistance  
19 Board. For 47 years, UHAB has been creating,  
20 preserving, and supporting affordable resident-  
21 controlled housing. We work with low and moderate-  
22 income residents and housing cooperatives, known as  
23 HDFCs, as well as tenant associations to build  
24 leadership, democratic participation, and community  
25 through cooperation. UHAB is part of the Climate

2 Works for All Campaign because HFDCs' communities are  
3 on the front lines of the climate crisis, and most  
4 HFDCs residents are disproportionately impacted by  
5 the legacies of redlining, disinvestment, and  
6 deteriorating buildings, and many HFDC residents live  
7 in the area of the city's most vulnerable which are  
8 vulnerable to rising sea levels and increasing  
9 dangers of urban heat islands.

10 We are counting on the city to invest  
11 more equitably and efficiently in affordable housing  
12 buildings that need retrofits in order not only to  
13 reach Local Law 97 goals but also to maintain  
14 affordability and improve health and safety for  
15 underserved residents. We are grateful for the  
16 strides of the city that has made to already fund  
17 energy efficient and retrofit programs for affordable  
18 housing, but this progress still falls short. Many of  
19 the buildings that we work with encounter roadblocks  
20 while trying to carry out large energy efficiency  
21 projects as there is a lack of funding for structural  
22 repairs, which are part of the preparation process  
23 for clean heat and solar readiness. Many HFDCs are  
24 committed to beneficial electrification and to  
25 getting solar energy, but are stalled due to high

2 upfront costs of structural repairs like roof repairs  
3 which are not funded by the programs offered by the  
4 city and utilities. We, therefore, call for a  
5 reevaluation of funding to include structural  
6 measures that will help buildings prepare for  
7 electrification and to install sustainable systems,  
8 bearing in mind that the structural issues in these  
9 buildings come from historical disinvestment and  
10 redlining. Residents..

11 SERGEANT KOTOWSKI: Time expired.

12 CHAIRPERSON GENNARO: Please conclude.

13 LUCIA SANTACRUZ: Yes.

14 CHAIRPERSON GENNARO: We welcome your  
15 remarks. Please conclude.

16 LUCIA SANTACRUZ: Residents and owners of  
17 affordable housing cannot be left behind in this  
18 fight as they are the ones on the frontlines for  
19 climate change, and they can be a guide to a more  
20 just transition and a more sustainable New York City.  
21 Thank you.

22 CHAIRPERSON GENNARO: Thank you, Lucia.

23 Always nice to see you. Thank you for being with us  
24 today. We would certainly appreciate getting your

25 remarks in full. We look forward to getting that, and

2 thank you for being with us and give our best to the  
3 Urban Homesteading Assistance Board. Appreciate that.

4 SAMARA SWANSON, MODERATOR: We have the  
5 next witness. That's supposed to be Pete Sikora.

6 SERGEANT KOTOWSKI: Time starts now.

7 PETE SIKORA: Thanks so much. Pete Sikora  
8 here with New York Communities for Change. I'm on the  
9 Advisory Council. Thanks for allowing us to testify.  
10 This is our written testimony, and we'll submit more.

11 I think we just heard very, very clearly from the  
12 real estate lobby what they are trying to do. They  
13 call for investments, not penalties, and that's the  
14 key thing here to keep in mind that this law will not  
15 succeed unless the assessed penalties are actually  
16 imposed on building owners who refuse to clean up  
17 their dirty buildings. Let's be very clear here, the  
18 2024 to 2029 limits cover the very most high  
19 polluters in the state. These are per square foot the  
20 most polluting buildings in the city, and they're  
21 asked to take a haircut to get down to a not super  
22 polluting level. If you talk to experts across the  
23 industry, you know that those limits are reasonable  
24 and fair and so this mud that the administration and  
25 this cloud of doubt that the administration is



2 passing through its spokespeople, and, unfortunately,  
3 in recent testimony just now on what needs to be done  
4 on penalties and what is good faith effort is  
5 actually having a real harm because scuttlebutt in  
6 the industry is that there are building owners who  
7 believe that they are going to be able to evade the  
8 requirements of this law because penalties will not  
9 be imposed, and, therefore, they are not undertaking  
10 the work to reduce pollution and create jobs that  
11 they should be doing and that's a real harm because  
12 not only does that hurt everyone but in the long run  
13 it makes the problem so much worse. Most buildings  
14 under these requirements can save money and improve  
15 their buildings over time over and above the costs of  
16 financing so we urge the Council to continue its  
17 oversight, and you can see the administration  
18 starting to move as Council Members pressed them on  
19 the penalties. That's critical.

20 SERGEANT KOTOWSKI: Time expired.

21 CHAIRPERSON GENNARO: Pete, please  
22 continue your remarks in full.

23 PETE SIKORA: Okay. Thanks so much, Jim.  
24 I'll conclude quickly. Thank you, Council Member. The  
25 good is that the administration realizes that their

2 preliminary budget of flatlining staffing in the  
3 office was a mistake, and the Council, to its credit,  
4 has increased that funding by 6 staffing lines in its  
5 budget. Along with others, we call for 10 to 15.

6 We're glad they're ruling out carbon trading. That  
7 doesn't seem practical. Alternative compliance cannot  
8 become a loophole. That's another thing to watch and  
9 look out for. They need to do proper rulemaking and  
10 get it done in the next year, and they should tap  
11 RECS so that we get more jobs and pollution  
12 reductions locally.

13 Finally, the city needs to spend orders  
14 of magnitude more money on its own buildings, in  
15 particular NYCHA, which has a gigantic capital  
16 deficit that needs to be repaired in order to help  
17 residents and also comply with Local Law 97  
18 requirements. We really thank the Chairs for doing  
19 this and would encourage you to hold another hearing  
20 to explore these issues in more depth within the year  
21 because this is just gigantic. It's the biggest thing  
22 that the Council has done. It's the most important  
23 climate and jobs law at a local level in the entire  
24 world. It has to succeed or we are cooked, and we can  
25 create tens of thousands of jobs doing it.

2 In conclusion, don't listen to the real  
3 estate industry. The administration should be clear  
4 and move forward properly. Thank you.

5 CHAIRPERSON GENNARO: Thank you, Pete.  
6 Always great to engage with you and your good  
7 organization. Your point well-taken regarding NYCHA.  
8 I think the Commissioner was pretty clear in  
9 indicating and driving down that this is not going to  
10 become a loophole but let's all be vigilant I think  
11 is...

12 PETE SIKORA: Right, no...

13 CHAIRPERSON GENNARO: Takeaway from that.  
14 Sometimes there's a long way between the creed and  
15 the deed, and it's our job and it's my job and also  
16 Chair Sanchez to fully implement the law along lines  
17 of excellence and we know that we always have an ally  
18 in you to make sure that we got the pedal to the  
19 metal.

20 PETE SIKORA: That's really appreciated.  
21 Thank you, and I'll just say the key question here  
22 that they're not answering is what is good faith  
23 effort in the context when a good faith effort means  
24 that in fact you comply so let's not make that a  
25 loophole. Let's be clear. Let's not talk about

2 relaxing penalties. Let's talk about enforcing a  
3 reasonable law. Thank you.

4 CHAIRPERSON GENNARO: Sure. Thank you,  
5 Pete. Appreciate you being with us today as always.  
6 Thank you.

7 CHAIRPERSON SANCHEZ: If I may...

8 CHAIRPERSON GENNARO: Oh, yes, my co-  
9 Chair, of course.

10 CHAIRPERSON SANCHEZ: No problem. Thank  
11 you, Council Member. Pete, I understand that you are  
12 on the Advisory Board and so 2 questions for you.  
13 One, when I asked the Commissioner about the way that  
14 the Advisory Board was influencing or advising into  
15 the rulemaking processes that the agencies will be  
16 taking or are underway, he said the Advisory Board is  
17 providing recommendations and so the first question  
18 is how you feel that process is going and do you feel  
19 that the Advisory Board is able to have your voices  
20 heard in that process. Then the second question is  
21 regarding the Carbon Trading Study that is required  
22 in Local Law 97, has this work commenced to your  
23 knowledge, have you been engaged in its development,  
24 and do you have any concerns about the Carbon Trading  
25 Study?

2 PETE SIKORA: I really appreciate that,  
3 Chair Sanchez. The Advisory Council is deeply, deeply  
4 involved with the Department of Buildings and the  
5 reverse. It's a very close partnership where there  
6 are working groups addressing very specific detailed  
7 complex regulatory questions. Gina Bocra and her team  
8 of people have been working really closely, and it's  
9 so impressive how professional they are and how  
10 knowledgeable and effective so that process is going  
11 forward. There's a tension, I'll just say, between  
12 the real estate industry wanting immediate answers  
13 and actually doing a thorough and competent job so  
14 let's get this right. The 2024 requirements are  
15 quick, but they're pretty clear. The 2030  
16 requirements, let's get it right. To answer your  
17 question, the Advisory Council is given a lot of  
18 visibility and appropriately consulted, but, as the  
19 Commissioner pointed out, it's just advice in the  
20 end. It's their decisions, and that's where we're  
21 worried that there's going to be political  
22 interference to weaken the penalties and weaken  
23 rulemakings and processes so we continue to be  
24 worried about that.

2 To take your second question, and thank  
3 you again, on the Carbon Trading Study, the city did  
4 a Carbon Trading Study, and I think all of us walked  
5 away with the sense that that's extraordinarily  
6 complicated and in order to do something that would  
7 actually be valuable and would not hurt low-income  
8 communities of color and would not unduly reward  
9 landlords in an inappropriate way is really, really  
10 complicated. There's a long history of failure of  
11 carbon trading and cap and trade schemes so it's very  
12 encouraging to hear the administration frankly  
13 acknowledge that and effectively take it off the  
14 table, at least in the near-term for carbon trading.  
15 They're making a good decision there.

16 CHAIRPERSON SANCHEZ: Thank you so much.

17 PETE SIKORA: Thank you.

18 CHAIRPERSON GENNARO: Thank you, Pete.

19 Please call me anytime. No worries. Okay?

20 PETE SIKORA: Thanks so much.

21 CHAIRPERSON GENNARO: Okay, you bet, you  
22 bet. Samara.

23 SAMARA SWANSON, MODERATOR: The next  
24 witness is Jeff Rios of the American Council of  
25 Engineering Companies.

2 SERGEANT KOTOWSKI: Time starts now.

3 JEFF RIOS: Thank you, Chair Gennaro and  
4 Chair Sanchez. I appreciate the opportunity to speak.  
5 My name is Jeff Rios with AKF Group and representing  
6 ACEC, American Council of Engineering Companies. I  
7 serve as Vice-Chair of the Energy Code Committee for  
8 that group. ACEC represents almost 300 firms  
9 throughout the New York City and New York State area  
10 whose members provide designs and plans for the  
11 building's mechanical, electrical, plumbing,  
12 structural infrastructure systems that help make  
13 Local Law 97 feasible. ACEC has been strongly  
14 committed to Local Law 97 and in support of it since  
15 its inception as an Intro 1253. We've provided  
16 comment and testimony throughout and are happy to  
17 provide technical comment as helpful. Members of our  
18 group serve on both the Advisory Board and working  
19 groups, and we are appreciative of and thankful for  
20 the work that's been done to date. I think I'm going  
21 to paraphrase my points quickly so I do not run over  
22 time, but we do have written testimony we will  
23 submit. Our points are largely echoing points that  
24 have been discussed a number of times today, the  
25 first of which is we want to echo the support that is

2 needed for dedicated resources within the DOB to make  
3 sure that the law is successful. This is both related  
4 to the rulemaking that must be done. There is a  
5 report due within a year that will set forth specific  
6 requirements that will help make designers and owners  
7 know exactly what they need to do to make Local Law  
8 97 feasible and how to achieve it. That is something  
9 that DOB does need resources to help act on as well  
10 as logistics going forward to make sure that  
11 enforcement is done and successful.

12 The second point of which was brought up  
13 a number of times earlier is around the occupancy  
14 classifications or the building occupancy groups  
15 within DOB which is how the limits are set currently  
16 just utilizing building occupancy groupings. ACEC  
17 feels that this is inappropriate and does not  
18 represent or allow for nuances related to usage  
19 types, occupant..

20 SERGEANT KOTOWSKI: Time expired.

21 JEFF RIOS: Schedules and other factors so  
22 we will...

23 CHAIRPERSON GENNARO: Please continue.

24 Please continue.

25 JEFF RIOS: Thank you, Chair Gennaro.



2 CHAIRPERSON GENNARO: And conclude.

3 JEFF RIOS: Yes, and so just to conclude,  
4 we do recommend utilizing Energy Star classifications  
5 for the buildings as this is both a nationally  
6 recognized standard as well as what is utilized by  
7 the New York City Benchmarking Bill currently and  
8 allows for some more nuance to those other factors as  
9 mentioned. That is all. That's my conclusion.

10 CHAIRPERSON GENNARO: Jeff, thank you.

11 It's always good to engage with the American Council  
12 of Engineering Companies and all of the expertise you  
13 bring to the table. Please submit us your testimony  
14 in full, and it'll be most helpful. We really  
15 appreciate you waiting all this time to testify and  
16 give us the benefit of your good views.

17 JEFF RIOS: Absolutely. Thank you.

18 CHAIRPERSON GENNARO: Thank you.

19 SAMARA SWANSON, MODERATOR: The next  
20 witness is Warren Schreiber, and he's going to be  
21 followed by Summer Sandoval from UPROSE and Hannah  
22 Birnbaum from the Sierra Club.

23 CHAIRPERSON GENNARO: Yeah, I'll just  
24 mention that Warren doesn't have an affiliation here,  
25 but I know Warren. He's going to be representing the

2 Bay Terrace Co-op so in terms of his affiliation.

3 Warren, please continue.

4 SERGEANT KOTOWSKI: Time starts now.

5 WARREN SCHREIBER: Okay, thank you very  
6 much, Chairperson Gennaro and Sanchez. Thank you for  
7 the opportunity to testify about Local Law 97. My  
8 name is Warren Schreiber, and I am the co-President  
9 of the President's Co-op and Condo Council. I am also  
10 President of Bay Terrace Gardens Cooperative Section  
11 1, a 200-unit garden apartment property in Northeast  
12 Queens. As President of my co-op, how to pay for  
13 Local Law 97 keeps me awake at night. Bay Terrance  
14 Gardens is home to working-class middle-income  
15 residents including senior citizens and others on  
16 fixed incomes, empty nesters, young families, and  
17 single parents. Some of our shareholders struggle to  
18 meet their maintenance payments and other expenses.  
19 As an example of compliance, converting to heat pumps  
20 will cost 2.5 to 3 million dollars, which do not  
21 include finance charges. This expense will result in  
22 a 25 percent to 30 percent monthly maintenance  
23 increase of approximately 60 to 80 dollars. Other  
24 retrofits or replacements of our heating or electric  
25 plant will be as or more expensive. Shareholders who

1  
2 have lived here for 20, 30, 40, and 50 years will  
3 have to leave Bay Terrance Gardens to find more  
4 affordable housing. I am not a climate denier.  
5 Climate change is an existential threat to our  
6 planet. I want to leave my granddaughter a healthy  
7 world, but she will also need affordable housing. The  
8 financial burdens of Local Law 97 should not fall  
9 entirely on the shoulders of co-op owners. I hope you  
10 will consider the following suggestions for Local Law  
11 97.

12           Local Law 97 should have a carveout for  
13 garden apartment properties that sit on sizeable  
14 green space campuses and are more energy efficient  
15 than 1- and 2-family homes which are exempt.

16           Number 2, a tax abatement similar to the  
17 J51 program but with a 7-year payout..

18           SERGEANT KOTOWSKI: Time expired.

19           CHAIRPERSON GENNARO: Warren, please  
20 continue. Warren, please continue.

21           WARREN SCHREIBER: Thank you, Chairman. A  
22 tax abatement similar to the J51 program but with a  
23 7-year payout should be available to assist co-ops  
24 and condos pay for energy upgrades.

25

2 Number 3, in place of draconian  
3 penalties, Local Law 97 should include common sense  
4 incentives to encourage properties to reduce  
5 greenhouse emissions.

6 Thank you very much, and thank you very  
7 much, Chairman Gennaro. Thank you.

8 CHAIRPERSON GENNARO: Thank you, Warren.  
9 We've known each other for many years. I don't have  
10 the privilege of representing Bay Terrace. Anything  
11 that you mentioned that would lead Local Law 97 to be  
12 re-legislated, there's no appetite on the part of the  
13 Council or on the part of the administration to re-  
14 legislate Local Law 97 to open that up to give it a  
15 haircut or put it through the carwash. The law is  
16 written, it's past, it's done, it's here. What you  
17 were talking about with regard to assistance and  
18 other kinds of incentives that we can do, you and Bob  
19 are the type of co-op leader that we really should be  
20 listening to to figure out how we all get through  
21 this. What we'll do for Warren, this is a note to  
22 Nabi, who represents Bay Terrace, is it Vicky?

23 WARREN SCHREIBER: Yes, Council Member  
24 Paladino.

2 CHAIRPERSON GENNARO: Okay, and so, Nabi,  
3 we should get together with Warren and Vicky and the  
4 representatives of the administration and figure out  
5 how, these are good folks that want to help and doing  
6 everything they can, and we have to figure out how to  
7 get them help. Beyond that, we'll take it up at the  
8 meeting but we really appreciate you being here  
9 today, Warren, giving us the benefit of your views,  
10 and I know you speak for many co-ops that are trying  
11 to do everything they can to, as I'm sitting here,  
12 I'm getting text messages from people that I know in  
13 co-op communities so even there is no appetite to re-  
14 legislate Local Law 97 we can provide the best help  
15 we can and so that's what we'll do. Thank you very  
16 much, Warren.

17 WARREN SCHREIBER: Okay, thank you,  
18 Council Member. I appreciate that.

19 CHAIRPERSON GENNARO: Oh, call me Jim.  
20 We've known each other too long to be calling me  
21 Council Member.

22 WARREN SCHREIBER: Jim, it's good to see  
23 you and it's good to have you back Chairing the  
24 Committee. Thank you.

2 CHAIRPERSON GENNARO: I think I feel the  
3 same. Thank you, Warren. Appreciate that.

4 SAMARA SWANSON, MODERATOR: The next  
5 witness is Summer Sandoval of UPROSE.

6 SERGEANT KOTOWSKI: Time starts now.

7 SHARON ZEA RINCON: Hi, everyone. Good  
8 afternoon, and thank you for the opportunity to  
9 submit testimony today. My name is Sharon Zea Rincon,  
10 and I'm the Climate Justice Organizer at UPROSE, and  
11 I'm here on behalf of Summer Sandoval. UPROSE is  
12 located in Sunset Park, and it's Brooklyn's oldest  
13 Latino community-based organization working at the  
14 intersection of racial justice and climate change.  
15 The passage of the Climate Mobilization Act in 2019  
16 was a precedent-setting commitment to climate action  
17 and bold progress to reduce New York City's  
18 greenhouse gas emissions. This year, we're here again  
19 to call for adequate funding to ensure that LL-97  
20 implementation is grounded in equity and climate  
21 justice to prioritize and directly support  
22 disadvantaged communities across the city and create  
23 thousands of accessible well-paying local green jobs.

24 Local Law 97 must be fully funded under  
25 the city's 2023 budget. We urge the city to include

1 adequate funding in the 2023 budget in order to  
2 ensure equitable implementation prioritizing  
3 disadvantaged communities. In order to operationalize  
4 the true just transition, LL-97 must support green  
5 reindustrialization of our significant marine  
6 industrial areas. We need to protect and support  
7 industrial and manufacturing buildings and  
8 businesses. The city must utilize a comprehensive  
9 framework that provides necessary investments, TA,  
10 and resources to help these buildings meet LL-97  
11 emission reduction goals while developing our city's  
12 ability to produce and manufacture it locally for  
13 resilient local supply chains.  
14

15 Local Law 97 must prioritize funding and  
16 technical assistance for low-income building owners.  
17 In environmental justice communities like Sunset Park  
18 there are low-income buildings that include community  
19 facilities, residential buildings who offer  
20 affordable rents for long-time residents, and  
21 industrial businesses who are all constantly fighting  
22 the pressures of gentrification and displacement. LL-  
23 97 must ensure that there are sufficient resources to  
24 ensure that low-income building owners and buildings  
25

2 that serve low-income residents are not burdened with  
3 high costs in order to meet emission benchmarks.

4 I see that I'm running out of time so  
5 I'll submit the full testimony, and I would like to  
6 thank the New York City Council for holding this  
7 hearing and for the opportunity to testify.

8 CHAIRPERSON GENNARO: Thank you so much  
9 for being here on behalf of UPROSE. I know you're  
10 testifying in place of Summer, but what's your name?  
11 I didn't catch it.

12 SHARON ZEA RINCON: My name is Sharon Zea  
13 Rincon. I'm the Climate Justice Organizer at UPROSE.

14 CHAIRPERSON GENNARO: Very good to meet  
15 you and to know you and, as you said, please send us  
16 your full testimony and please give our best regards  
17 to Elizabeth. She's still heading UPROSE, right?

18 SHARON ZEA RINCON: Yes.

19 CHAIRPERSON GENNARO: Okay, so please give  
20 Elizabeth our best. Thank you for being here today.

21 SHARON ZEA RINCON: Thank you.

22 SAMARA SWANSON, MODERATOR: Our next  
23 witness is Hannah Birnbaum from the Sierra Club.

24 SERGEANT KOTOWSKI: Time starts now.  
25



2 HANNAH BIRNBAUM: Good afternoon, Chair  
3 Gennaro and Chair Sanchez. I'm the Northeast Deputy  
4 Director for the Sierra Club's Energy Campaigns, and  
5 I'm testifying today on behalf of our nearly 120,000  
6 members and supporters in New York City. We  
7 appreciate the City Council's strong track record of  
8 work on decarbonizing our building stock. Passing the  
9 Climate Mobilization Act was an essential step  
10 towards reducing our dependence on fossil fuels,  
11 cleaning up our air, and protecting our health. Now,  
12 we respectfully urge New York City to deliver on  
13 Local Law 97's promise by fulling resourcing  
14 implementation and ensuring that environmental  
15 justice communities benefit.

16 OBEEP needs an infusion of funding in the  
17 2023 budget so that it can successfully implement  
18 Local Law 97. As others have stated, there are still  
19 many technical details and rules that need to be  
20 finalized with enough time for building owners to  
21 meet the law's first compliance deadline in 2024.  
22 OBEEP also needs resources for widespread outreach to  
23 building owners to help them understand their new  
24 obligations and what financial assistance is  
25 available. We're grateful that the Council included

1 increased funding for OBEEP in its budget response,  
2 and we ask all of the stakeholders in the budget  
3 process to ensure that sufficient resources for OBEEP  
4 to staff up and meet up implementation needs are  
5 carried forward into the final budget for the coming  
6 year.  
7

8 We also believe that New York City must  
9 guarantee that Local Law 97 benefits the people who  
10 are most impacted by pollution and climate change,  
11 and the city should do all it can within the  
12 structure of the law to ensure that the final  
13 implementation plan for Local Law 97 requires  
14 buildings that are a key source of pollution in  
15 environmental justice communities to meaningfully  
16 reduce their emissions.

17 On a related note, we are glad to hear  
18 that the administration is likely not pursuing the  
19 carbon trading scheme that law contemplates and that  
20 has raised significant concern in environmental  
21 justice communities.

22 We also urge the city develop a clear  
23 plan for directing financial and technical support  
24 for compliance with Local Law 97 to the communities  
25 most impacted by energy burden and most in need of

2 assistance to make the transition to a carbon-fee  
3 building stock.

4 Thank you for the opportunity to testify  
5 today and for your work to make sure Local Law 97 is  
6 implemented effectively and equitably.

7 CHAIRPERSON GENNARO: Thank you very much,  
8 Hannah. The Council very much values the input of the  
9 Sierra Club, and we would ask that you submit your  
10 full testimony and we really appreciate your presence  
11 here today. Thank you so much.

12 CHAIRPERSON SANCHEZ: If I could add,  
13 Hannah, just a quick followup. First of all, good to  
14 see you. Second of all, do you have a number of staff  
15 that you think OBEEP needs?

16 HANNAH BIRNBAUM: Let me follow up with  
17 the folks internally who are the experts on that and  
18 get back to you.

19 CHAIRPERSON SANCHEZ: All right. No  
20 problem. Thank you. Thank you so much.

21 SAMARA SWANSON, MODERATOR: Our next  
22 witness is Justin Wood of New York Lawyers for the  
23 Public Interest.

24 SERGEANT KOTOWSKI: Time starts now.  
25

2 JUSTIN WOOD: Hi. Good afternoon. My name  
3 is Justin Wood, and I'm the Director of Policy at New  
4 York Lawyers for the Public Interest. Thank you so  
5 much, Chair Sanchez and Chair Gennaro, for the  
6 opportunity to testify on Local Law 97 implementation  
7 which we've heard so much about today is a landmark  
8 building emissions inefficiency law.

9 I want to focus on a topic that hasn't  
10 gotten too much airtime today which is also the link  
11 between building efficiency and greenhouse gas  
12 emissions reductions and the city's peaker plants.  
13 New York Lawyers for the Public Interest is a proud  
14 member of the PEAK Coalition which also includes our  
15 allies at UPROSE, THE POINT CDC, New York City  
16 Environmental Justice Alliance, and Clean Energy  
17 Group, and we're a coalition of frontline community  
18 organizations and clean energy advocates seeking to  
19 end the longstanding pollution burden from the power  
20 plants on the city's most climate-vulnerable people.

21 As you know, our electric grid overall in  
22 New York City remains heavily dependent on fossil  
23 fuel combustion, about 70 percent of the electricity  
24 in our zone, Zone J, is produced by combustion, and  
25 on especially hot summer days and increasingly as

1 buildings electrify on cold winter days, this  
2 electricity production becomes even more dirtier and  
3 expensive as peaker plants fire up. These are the  
4 oldest, least efficient, and most expensive plants  
5 that can be up to 1300 percent of the price of the  
6 New York State average per kilowatt hour. They've  
7 amassed a cumulative 4.5 billion dollars in capacity  
8 payments just to keep these plants online over the  
9 past decade, and they have an outsized burden on  
10 environmental justice communities as does so much  
11 other fossil fuel combustion. I'll skip over some of  
12 the details. I'm going to submit written testimony  
13 that cites the PEAK Coalition's reports on...

14 SERGEANT KOTOWSKI: Time expired.

15 CHAIRPERSON GENNARO: Please summarize. Go  
16 ahead.

17 JUSTIN WOOD: Sure. Let me just get to a  
18 couple of the recommendations. Thank you so much.  
19 We'd really like to see to effectuate the retirement  
20 of peaker plants and their replacement with renewable  
21 distributed energy and storage solutions as well as  
22 the Tier 4 transmission solutions we've heard about  
23 today. We'd really like to see Local Law 97  
24 implementation also incentivize and promote the  
25

1 development of local, I stress local renewable energy  
2 and storage resources like rooftop solar and battery  
3 as well as bringing offshore wind into New York City.  
4

5 Secondly, we'd like to see strong  
6 incentives with the implementation to help reduce  
7 peak energy demand during afternoon and evening hours  
8 when peakers are often called upon and start emitting  
9 disproportionate pollution. We've seen really  
10 promising studies that as buildings electrify, peak  
11 demand can be smoothed out and shifted, and I'll cite  
12 those in my written submission.

13 Finally, there's really only a small  
14 percentage of customers in the New York ISO and Con  
15 Edison who are currently participating in "demand  
16 response programs," which are really designed to  
17 incentivize customers to reduce demand during peak  
18 hours by shifting their electricity use, for example,  
19 and we'd really like to see strong incentives  
20 included in Local Law 97 implementation and  
21 cooperation with the utilities to get this accessible  
22 to far more New Yorkers with an emphasis on the  
23 communities that have disproportionate clusters of  
24 peaker plants. Thank you so much.  
25

2 CHAIRPERSON GENNARO: Thank you, Justin.

3 Your testimony went a little outside the lines of the  
4 scope of the hearing, but I thought it was important  
5 to get on the record. I was happy to grant you that  
6 latitude, and we look forward to your full comments  
7 because all your points were very important, even  
8 though they were a little outside the lines but it's  
9 okay, sometimes we go outside the lines for good  
10 points which you were making. Thank you very much,  
11 and give us the benefit of the written testimony, and  
12 we'll do our best to fold that into how we go  
13 forward.

14 SAMARA SWANSON, MODERATOR: Now, I would  
15 like to Natasha Elder of NYPIRG, Georgi Page of  
16 350Brooklyn, and Eric E. Weltman of Food and Water  
17 Watch.

18 SERGEANT KOTOWSKI: Time starts now.

19 MEGAN AHEARN: Hi. Good afternoon. My name  
20 is actually Megan Ahearn. I'm filling in for Natasha  
21 who, unfortunately, could not be here today. I'm the  
22 Program Director for NYPIRG and wanted to thank  
23 Committee Chairs Gennaro and Sanchez for the  
24 opportunity to testify in support of Local Law 97.  
25

2 NYPIRG works with college students at  
3 campuses across New York including 10 here in New  
4 York City, and generational climate justice is an  
5 issue that's front and center for the students we  
6 work with. Today's college students are seeing more  
7 severe storms and flash floods, they're reading dire  
8 climate reports from the U.N.'s IPCC, and grappling  
9 with what their future will look like, but there's  
10 hope too. Local Law 97 is one of the best tools New  
11 York City has on the books to combat the climate  
12 crisis and needs to remain strong and fully  
13 implemented. Along with a robust coalition of  
14 organizations and community members, we are concerned  
15 that the law not be weakened by removing or reducing  
16 penalties or otherwise delaying implementation.

17 We're concerned firstly that the Mayor's  
18 executive budget does not provide adequate funding  
19 for OBEEP. As the office's responsibilities grow,  
20 shortchanging the office sets the table for  
21 unnecessary hiccups and holdups and it would be a  
22 totally avoidable on-goal to not invest in OBEEP. We  
23 want to thank the City Council's response to the  
24 executive budget and encourage the Council to fight  
25



2 for an adopted budget with at least the plans for 6  
3 additional staff members that were included.

4 Secondly, the pollution cap set by the  
5 law for 2024 are purposefully high. Only the most  
6 polluting buildings exceed them, and many can dip  
7 below the pollution limits by making easy, low-cost  
8 improvements. Some buildings are eligible for waivers  
9 and all have access to the resources from the city on  
10 compliance. Each of these items lands on sufficient  
11 outreach...

12 SERGEANT KOTOWSKI: Time expired.

13 CHAIRPERSON GENNARO: Please summarize.

14 Thank you.

15 MEGAN AHEARN: I'll wrap up. From the  
16 great staff and hopefully growing staff of OBEEP.  
17 Thank you for the opportunity to testify today.

18 CHAIRPERSON GENNARO: Thank you, Megan,  
19 for pinch hitting for Natasha. Sometimes the boss has  
20 to come in and do all the work, and we really  
21 appreciate the long partnership that we have with  
22 NYPIRG and we look forward to receiving your  
23 testimony in full. Your points about OBEEP are well-  
24 taken. I am optimistic that the executive budget is  
25 going to bring us good news on that front, but please

2 send us your full testimony, and it's great to have  
3 you with us today and for waiting all this time.

4 MEGAN AHEARN: Thanks so much. Will do.

5 CHAIRPERSON GENNARO: You bet.

6 SAMARA SWANSON, MODERATOR: Thank you. Our  
7 next witness is Georgi Page of  
8 350Brooklyn.organization.

9 SERGEANT KOTOWSKI: Time starts now.

10 GEORGI PAGE: Good afternoon. My name is  
11 Georgi Page, and I'm a Senior Organizer for  
12 350Brooklyn City Action Committee. We are an  
13 environmental organization with thousands of members  
14 in Brooklyn that works locally to counter the global  
15 climate crisis. Thank you, Chairs Gennaro and  
16 Sanchez, for convening this very important oversight  
17 hearing today so that together we can ensure that  
18 Mayor Adams' policies and, more specifically, the  
19 adopted budget reflect the law we passed and helps us  
20 to meet our critical emissions targets. You all seem  
21 like very nice people, but I am here today in part  
22 because I once worked closely with real estate  
23 companies as an employee of a design firm. I was  
24 tasked with screening developers from all over the  
25 world who wanted to work with our firm. This role was

1 actually kind of fun until a developer wouldn't take  
2 no for an answer and actually threatened us with the  
3 fabrication of a negative review of our firm by an  
4 esteemed architecture critic unless we would take a  
5 meeting with them so let's be real. This is largely  
6 the culture that we're talking about, a group of  
7 people who are used to controlling lives, laws, and  
8 compliance to serve their bottom line but who we  
9 cannot simply trust to do the right thing. Therefore,  
10 we must do the right thing. We cannot afford to let  
11 anyone off the hook. Building owners must meet the  
12 critical targets that have been so thoughtfully  
13 established. We don't have the option of letting them  
14 increase global warming and possibly ending the  
15 planet when we have provided ample resources. As a  
16 reminder, we are working backwards from climate  
17 collapse, extreme weather events, wildfires, and  
18 tornadoes that are devastating entire towns and  
19 communities so I am deeply concerned about the lack  
20 of seriousness, yes, seriousness that the Adams'  
21 administration via its draft budget seems to be  
22 showing about the implementation and enforcement of  
23 Local Law 97 and the concomitant lack of transparency  
24 about staffing, data that we need during this budget  
25

2 season. They seem to think that reducing staffing in  
3 the most critical offices and pandering to the real  
4 estate industry with easily circumvented penalties  
5 will help us keep our title as the City of Dreams. It  
6 will not. With rates of asthma that are twice the  
7 national average...

8 SERGEANT KOTOWSKI: Time expired.

9 GEORGI PAGE: And what seems like a  
10 building explosion...

11 CHAIRPERSON GENNARO: Please continue.

12 Please continue.

13 GEORGI PAGE: And what seems like a  
14 building, thank you, a building explosion or  
15 catastrophic fire every year we are becoming the city  
16 of nightmares, and these nightmares are the most real  
17 for the most vulnerable. Frontline communities and  
18 recent immigrants, our tired, our poor, our huddled  
19 masses yearning to breathe free. People are dying.  
20 They are not just numbers in a spreadsheet or data  
21 points, and, while they may not be your niece or  
22 nephew or your auntie, they're lives matter. Their  
23 ability to achieve in school and reach their goals  
24 matter, especially in a city like New York. Mayor  
25 Adams should take note, voters in the state at least

2 do seem to be taking global warming seriously. On  
3 November 2, 2021, we approved a constitutional  
4 amendment making clean air, water, and a healthful  
5 environment a human right. We are here today to  
6 protect that right, but we really shouldn't have to.  
7 Local Law 97 is law, and our right to clean air is  
8 now a part of the state's constitution so why was  
9 this hearing necessary? It seems that building owners  
10 have a hard time accepting imminent global warming  
11 and a climate collapse as motivation. It's just way  
12 too big an abstract. We as a city need to demand that  
13 developers accept the big picture as, indeed, the  
14 Empire State Building did some time years ago by  
15 implementing some simple solutions such as adding a  
16 film to its windows, this iconic building, symbol of  
17 New York City's aspiration, has reduced its energy  
18 usage by 40 percent and saves 4 million dollars per  
19 year.

20 CHAIRPERSON GENNARO: Please conclude.

21 Please conclude.

22 GEORGI PAGE: Deferring the cost  
23 implementation and, at this point, making additional  
24 profits. While I appreciate the tolerance and  
25 patience for building owners who for their own

2 reasons do not meet the targets we need to focus more  
3 of our sympathy on people with no resources, not just  
4 folks with every resource. We need to build in case  
5 studies like the Empire State Building and begin to  
6 walk the talk of our landmark legislation. I do have  
7 a few questions that I will...

8 CHAIRPERSON GENNARO: We don't answer  
9 questions. We hear testimony, and we look forward to  
10 receiving your comments in full and any questions  
11 that you want to address to me and my co-Chair and to  
12 the staff of the Council. I have to be fair everyone.  
13 I can't give everybody 5 minutes.

14 GEORGI PAGE: Can I make one more point?

15 CHAIRPERSON GENNARO: Please.

16 GEORGI PAGE: Okay, I'm sorry. I just want  
17 to reiterate what everyone has said about a full  
18 accounting. We need to know how much money has been  
19 spent to date and where and we need to know what's  
20 being done in terms of active education and outreach  
21 to building owners. We need to know how to ask for  
22 what staffing we need. We're not even getting the  
23 data to ask those questions. Thank you.

24 CHAIRPERSON GENNARO: Thank you very much  
25 for representing the views of 350Brooklyn, and all of

2 your points are very poignant and well-taken,  
3 certainly not lost on me or my co-Chair, and the  
4 reason that I and my co-Chair put this hearing  
5 together is because we want to make sure that we hold  
6 the Adams' administration's feet to the fire so  
7 that's the purpose of this hearing and to bring  
8 people like you forward so that the people in the  
9 administration who are listening right now hear every  
10 word that you have to say so this is what you  
11 accomplished today. We appreciate you being here, and  
12 always great to engage with 350Brooklyn. Thank you,  
13 Georgi.

14 SAMARA SWANSON, MODERATOR: Now I would  
15 like to call Eric E. Weltman of the Food and Water  
16 Watch.

17 SERGEANT KOTOWSKI: Time starts now.

18 ERIC WELTMAN: This is Eric Weltman. I'm a  
19 Brooklyn-based Senior Organizer with Food and Water  
20 Watch. Food and Water Watch joins New York  
21 Communities for Change, WE ACT for Environmental  
22 Justice, and other allies in calling for Mayor Adams  
23 and the City Council to effectively and fully fund  
24 and enforce Local Law 97 and that includes leveling  
25 the penalties. Local Law 97 is bold and ambitious,

2 ground-breaking and visionary, and it is also  
3 practical, realistic, and doable and, perhaps most  
4 importantly, it is necessary. The report issued last  
5 week by the U.N. made it clear that it's now or never  
6 to prevent global climate catastrophe. Policies like  
7 Local Law 97 as well as the Gas Free NYC law, which  
8 bans frack gas and other fossil fuels in new  
9 buildings, must be more widely adopted and here in  
10 New York, we must reject, we must reject any and all  
11 attempts by the real estate industry to gut the law,  
12 that is to weaken and delay its implementation  
13 administratively because folks, when it comes to  
14 climate change, delay equals death. Mayor Adams must  
15 not, cannot undermine or weaken the law in any way by  
16 eliminating, reducing, or delaying penalties for  
17 noncompliance, and the Council must do everything  
18 within its authority to ensure that the law is  
19 effectively enforced including by providing the  
20 funding for sufficient staff. Folks, Local Law 97 is  
21 a win-win-win for New York City. It reduces deadly  
22 air pollution that kills about a thousand New Yorkers  
23 every year, it creates thousands of good green jobs,  
24 and it strikes a blow against the fossil fuel  
25 industry, reducing our reliance on frack gas and



2 other fossil fuels that are driving the climate  
3 crisis. For the sake of our families, our  
4 neighborhoods, our city's future, we urge you to  
5 ensure that Local Law 97 achieves what it can do,  
6 what it must do to help move New York off fossil  
7 fuels without any delay. I would like to thank the  
8 Chairs. I would also like to thank the Council staff,  
9 without which we couldn't achieve so much including  
10 Samara. There you are. It's great to see you. You've  
11 been doing so much amazing work for so many years,  
12 and we're very grateful to you.

13 CHAIRPERSON GENNARO: Thank you, Eric. I  
14 certainly always appreciate any engagement with Food  
15 and Water Watch, particularly when you compliment the  
16 staff and you recognize the good service that they  
17 provide and so we really appreciate you waiting all  
18 this time.

19 ERIC WELTMAN: We wouldn't be here without  
20 them.

21 CHAIRPERSON GENNARO: I know. I know.  
22 Samara, please make a note that I should call the  
23 Speaker and ask for a raise for you, okay? Let me  
24 make that call. Thank you, Eric. We really appreciate  
25 you being with us today.

2 SAMARA SWANSON, MODERATOR: Our next guest  
3 is Shiv Soin of TREEage. He's going to be followed by  
4 Karolina Gomez and Richard Lipsky.

5 SERGEANT KOTOWSKI: Time starts now.

6 SHIV SOIN: Good afternoon, Council Member  
7 Gennaro, Chairwoman Sanchez, and Members of the  
8 Environmental Protection and Housing and Buildings  
9 Committees. My name is Shiv Soi, and I serve as the  
10 Executive Director of TREEage which is a youth  
11 organization fighting for climate justice in New York  
12 City. I speak on behalf of hundreds of our members,  
13 all of whom are high school and college students  
14 within the 5 boroughs of New York City to strongly  
15 say their support for immediate implementation of  
16 Local Law 97, the most important municipal law  
17 combatting climate change in this country and in this  
18 world. I want to take this opportunity to highlight 2  
19 key components that are fundamental to this  
20 implementation.

21 First, along with many Council Members  
22 throughout today's hearing, we are deeply concerned  
23 with the good faith effort standard touted by the  
24 Adams' administration. This standard is unclear on  
25 what these efforts would include, if it's relative

2 depending on resources, and, most importantly, based  
3 on the language that it is right now this can be a  
4 loophole that will potentially be exploited by the  
5 largest developers and builders in this country.  
6 Quite frankly, we don't want to be looking forward a  
7 few years later and looking at the standard as what  
8 went wrong in the implementation of Local Law 97, and  
9 I strongly implore this Council to continue pushing  
10 and to create clear, equitable standards and ensure  
11 that our largest buildings will not escape this  
12 important work. We need to enforce this law using  
13 strong penalties and not allow polluters to get away  
14 with a free pass to escape pollution.

15           Second, we are also concerned that the  
16 DOB still does not have the necessary staff for the  
17 implementation of this law. Mayor Adams' initial  
18 budget left the Department toothless, but we would  
19 like to commend the Council for advocating for 6  
20 additional staffers. Yet, that is not enough. Our  
21 Colleagues at New York Communities for Change, Food  
22 and Water Watch continue to estimate that we need  
23 about 10 to 15 staffers in order to actually  
24 implement this law, and I strongly encourage the  
25 Committees to advocate for this change within the

2 budget. To be clear, without proper staffing, this  
3 bill cannot be implemented properly, and we need to  
4 do everything that we can in order to make sure that  
5 Local Law 97 is successful, not only for our  
6 residents in New York City but for generations to  
7 come ahead and for the rest of our planet to set this  
8 example. Thank you.

9 SERGEANT KOTOWSKI: Time expired.

10 CHAIRPERSON GENNARO: Thank you, Shiv. We  
11 certainly appreciate you and the army of young  
12 people, young, engaged, motivated people who are  
13 looking out for their own futures quite frankly, and  
14 we certainly do appreciate your active participation.  
15 We look forward to getting your full testimony, and  
16 it's good to be now formally acquainted with the good  
17 work of TREEage. We look forward to getting your full  
18 testimony. Thank you so much.

19 SAMARA SWANSON, MODERATOR: Our next  
20 witness is Karolina Gomez from ALIGN.

21 SERGEANT KOTOWSKI: Time starts now.

22 KAROLINA GOMEZ: Hi, everyone. Thanks for  
23 being here, Chair Sanchez and Chair Gennaro. My name  
24 is Karolina, and I am the Campaign Coordinator at  
25 ALIGN, the Alliance for a Greater New York. ALIGN is

2 a longstanding alliance of labor and community  
3 organizations united for a just and sustainable New  
4 York. ALIGN also coordinates the Climate Works for  
5 All Coalition, a citywide partnership (INAUDIBLE)  
6 labor, environmental justice, faith, and  
7 environmental groups united to ensure that efforts  
8 (INAUDIBLE) climate change and also create good  
9 career track jobs and prioritize low-income and  
10 climate-vulnerable New Yorkers. Last year, our  
11 Coalition released our Green, Healthy Schools, an  
12 action plan that outlines why the city should  
13 prioritize investments for deep retrofitting schools  
14 to see immediate public health, economic, and climate  
15 crises environmental justice communities continue to  
16 face.

17 As a city, and as you all know as we've  
18 been talking about all day, we've already (INAUDIBLE)  
19 from New York City's biggest buildings through Local  
20 Law 97. This work needs to happen, and public  
21 buildings can set an example and why not start with  
22 public schools? Climate is a personal issue and it  
23 won't wait for us. As a Queens' native and a product  
24 of the New York City public school system, this is an  
25 incredibly important issue to me and to my family.

2 It's why I do this work, to build a more sustainable  
3 New York for myself, my community, and the people  
4 that will come after me.

5 Reducing the city's greenhouse gas  
6 emissions while improving air quality for  
7 environmental justice communities can have  
8 consequential positive health outcomes and can save  
9 lives. Clinical research links long-term exposure to  
10 air pollution with high COVID mortality rates. Deep  
11 retrofits, especially the insulation of HVAC and air  
12 control systems are an immediate mitigation tactic  
13 that provides long-term solutions to health and daily  
14 life. Now is the time to invest in these long-term  
15 strategies.

16 New York City's public schools are among  
17 the biggest public climate polluters and account for  
18 1/4 of all city-owned buildings. Further, our  
19 Coalition estimates conducting deep retrofits will  
20 yield at least 50 percent in energy saving and  
21 emission reduction. Focusing on this sector of the  
22 city's public buildings portfolio will ensure the  
23 city makes significant progress towards key  
24 resiliency goals.

25 SERGEANT KOTOWSKI: Time expired.

2 KAROLINA GOMEZ: Now more than ever..

3 CHAIRPERSON GENNARO: Please continue.

4 Please continue. It's okay.

5 KAROLINA GOMEZ: Thanks so much. As the  
6 city looks for an equitable recovery for all, it must  
7 continue the practice of community-wide resiliency  
8 planning to identify issues and priorities for its  
9 most climate-burdened New Yorkers. We believe an  
10 annual 1.8 billion investment to create (INAUDIBLE)  
11 New York City on the path towards an equitable  
12 recovery. Thank you so much.

13 CHAIRPERSON GENNARO: Thank you, Karolina.  
14 It's always good to meet with you, speak with you.  
15 Now the Healthy Schools thing that you're, what's the  
16 name of the initiative?

17 KAROLINA GOMEZ: Green, Healthy Schools.  
18 I'm sure you've also heard (INAUDIBLE) Healthy  
19 Schools.

20 CHAIRPERSON GENNARO: Right, because now  
21 you have Climate Jobs New York, an offshoot of them  
22 is like a school thing. Is that you?

23 KAROLINA GOMEZ: It's not us, but we are  
24 in constant communication with them and we have an  
25 alignment of goals.

2 CHAIRPERSON GENNARO: Okay, because what  
3 we're doing as I mentioned earlier, we had Rit,  
4 myself, and a bunch of others met with Climate Jobs  
5 New York, and a part of that is the whole Clean  
6 Schools things, but we're trying to broaden the tent  
7 a little bit and so I would ask Nabi to reach out to  
8 Karolina because we want to make that a bigger tent  
9 and we're going to engage with the Chair of the  
10 Committee on Education for the schools' part and also  
11 with the Civil Service and Labor Committee so I'll  
12 ask Nabi to reach out to Karolina so that we can,  
13 we're just trying to grow the whole green jobs thing  
14 and part of that is the green schools thing so we  
15 want you in on that.

16 KAROLINA GOMEZ: That'd be wonderful.

17 CHAIRPERSON GENNARO: Thank you for being  
18 with us today. Keep me honest on that, because we  
19 have to get that done.

20 KAROLINA GOMEZ: Don't worry.

21 CHAIRPERSON GENNARO: All right.

22 KAROLINA GOMEZ: Thanks so much.

23 CHAIRPERSON GENNARO: Very good, Karolina.  
24 Good seeing you. Bye-bye.



2 SAMARA SWANSON, MODERATOR: Now I'm  
3 calling Richard Lipsky.

4 SERGEANT KOTOWSKI: Time starts now.

5 RICHARD LIPSKY: Good afternoon. It's been  
6 somewhat of a wait, but I think hopefully well worth  
7 it. Councilman Gennaro, it's good to see you.

8 CHAIRPERSON GENNARO: Yeah, good to see,  
9 Richard. My god, Richard, good to see you, good to  
10 see you. Thank you for waiting. I'm sorry about the  
11 wait. We go back a long time, and it's great to see  
12 you.

13 RICHARD LIPSKY: Don't worry about that.  
14 I'm here because there is a conflict between 2  
15 admirable goals, one, of course, being climate change  
16 which is the purpose of Local Law 97 and the other  
17 one is supermarket sustainability and food  
18 insecurity. One of the problems as someone who's  
19 represented supermarkets for too long, actually, 40  
20 years probably, what we're seeing though is that in  
21 buildings where supermarkets are tenants, co-op  
22 buildings, tenant buildings, condo buildings, that it  
23 is almost impossible for those buildings to be in  
24 compliance with Local Law 97 without sustaining large  
25 penalties because of the energy usage that the

2 supermarket generates for being a supermarket, not  
3 for acting in any way that would be certainly  
4 creating more energy usage than would be necessary  
5 for that supermarket to provide fresh food to the  
6 community and then what we're seeing in that sense is  
7 that in a neighborhood where a building, co-op  
8 perhaps, is hosting a supermarket they are taking the  
9 financial burden of hosting that supermarket while  
10 all the other residents in the community are  
11 benefiting from the existence of the supermarket but  
12 not paying for the cost of that. I guess what we're  
13 looking for, Council Member, and we've talked to the  
14 sustainability folks at Buildings, and we're looking  
15 for a workaround.

16 SERGEANT KOTOWSKI: Time expired.

17 RICHARD LIPSKY: What we're looking for in  
18 this sense...

19 CHAIRPERSON GENNARO: Richard, keep going,  
20 keep going. You waited 4 hours. Keep going.

21 RICHARD LIPSKY: What we're looking for is  
22 a way to treat supermarkets while supermarkets  
23 examine their energy usage separate from the building  
24 because it's unfair, it's inequitable, and it will  
25 lead to the diminishing of supermarkets in

2 neighborhoods that need those supermarkets to provide  
3 fresh food and vegetables and other healthy food for  
4 the community.

5 CHAIRPERSON GENNARO: Richard, thank you  
6 for your compelling testimony. You met with the  
7 people in the administration. I'd like to hear like  
8 offline how that went, and so I'm asking Nabi of my  
9 staff, I think Matt is also of my staff, to reach out  
10 to Richard and how about you and I have a meeting and  
11 talk about this.

12 RICHARD LIPSKY: I think we will, and then  
13 I would also say to Chair Sanchez that one of my  
14 clients is Morton Williams on Kingsbridge and Jerome.  
15 As you probably know, it's in your district, and  
16 they're very much concerned. They employ 1,500 people  
17 from the community to go to those stores in  
18 Manhattan, and we want to preserve those businesses  
19 but do so in a way that is amicable to the goals of  
20 Local Law 97.

21 CHAIRPERSON GENNARO: Also, Richard, if I  
22 could because you represent supermarkets, I guess you  
23 deal with local 1500 (INAUDIBLE) whatever it is and  
24 RWDSU and all that...

25 RICHARD LIPSKY: Local 338.

2 CHAIRPERSON GENNARO: Yeah.

3 RICHARD LIPSKY: All of my clients in this  
4 case are either represented by one or both of those  
5 unions, yes.

6 CHAIRPERSON GENNARO: Okay, I certainly  
7 have a long history with you and with 338 and with  
8 1500, and we got union jobs on the line here so the  
9 bill's already law but whatever we can do to be of  
10 some kind of assistance. I certainly want to help to  
11 be a catalyst for that.

12 RICHARD LIPSKY: I appreciate that,  
13 Council Member. We look forward to talking to you.

14 CHAIRPERSON GENNARO: Okay. You bet,  
15 Richard. Thanks for being here. Sorry for the wait.

16 RICHARD LIPSKY: No, that's okay. Thank  
17 you.

18 CHAIRPERSON GENNARO: You bet.

19 CHAIRPERSON SANCHEZ: Nice to meet you,  
20 Richard. Yes, my family has been shopping at Morton  
21 Williams...

22 CHAIRPERSON GENNARO: You have to know  
23 Richard. Richard has been around forever doing this.

24 CHAIRPERSON SANCHEZ: No, I have not so  
25 I'm glad to meet him now.

2 CHAIRPERSON GENNARO: Oh my god. He's  
3 Richard Lipsky. My god, everybody knows.

4 CHAIRPERSON SANCHEZ: I look forward to  
5 talking to you more.

6 RICHARD LIPSKY: I'll reach out to your  
7 staff, Council Member.

8 CHAIRPERSON GENNARO: Thank you, Richard.

9 RICHARD LIPSKY: Take care.

10 SAMARA SWANSON, MODERATOR: I'd now like  
11 to call Atalia Howe of the Community Preservation  
12 Corporation, Sonal Jessel of WE ACT for Environmental  
13 Justice, and Jasmine Graham, also of WE ACT for  
14 Environmental Justice.

15 SERGEANT KOTOWSKI: Time starts now.

16 ATALIA HOWE: Hi. Thank you, Chair Gennaro  
17 and Chair Sanchez and other distinguished Members of  
18 the New York City Council for the opportunity to  
19 speak today. My name is Atalia Howe. I am the  
20 Assistant Vice President of Initiatives and Impact  
21 Investing at the Community Preservation Corporation.

22 Over our 48-year history, CPC has  
23 deployed over 12 billion dollars in private and  
24 public capital for affordable housing and community  
25 development leading to the creation and preservation

2 of over 22,000 units of residential housing. CPC is a  
3 recognized leader in promoting sustainability in the  
4 industry and has a deep expertise in supporting the  
5 needs of small building owners. CPC is focused on  
6 decarbonization because we recognize the urgency and  
7 necessity of reducing carbon emissions from  
8 buildings. Building electrification is a vital step  
9 in this process, and we must commit resources to make  
10 decarbonization a top priority. CPC is supportive of  
11 Local Law 97 and shares the desire to reduce the  
12 city's emissions. However, the sustainability  
13 upgrades that are required for compliance are  
14 expensive, and we remain convinced that mandates  
15 without adequate incentives are the wrong way to  
16 encourage decarbonization and building  
17 electrification. Given the high cost to retrofit  
18 existing buildings to be both energy efficient and  
19 low carbon and the higher utility associated with  
20 electricity, we have seen that in some cases it is  
21 less expensive for building owners to pay the fines  
22 than to electrify, which negates the intent of the  
23 law. The city needs to allocate resources to pair  
24 with Local Law 97 in order to ensure compliance and  
25 continued emissions reductions. To that end, CPC

2 recommends that several financial interventions be  
3 considered. First, we recommend that the city create  
4 a specific tax incentive for covered buildings  
5 required to comply with Local Law 97. This will help  
6 create additional cashflow that otherwise would not  
7 be available for decarbonization upgrades.

8           Secondly, the city should also consider  
9 supporting its own public pension funds and providing  
10 decarbonization enhancements when they buy first  
11 mortgages on buildings meeting Local Law 97  
12 requirements such as a reduced interest rate or  
13 supplemental financing. This could be paired with a  
14 similar initiative with the state...

15           SERGEANT KOTOWSKI: Time expired.

16           ATALIA HOWE: If I may just finish up.

17           CHAIRPERSON GENNARO: Yes, please, please.

18           ATALIA HOWE: Thank you. Additionally, as  
19 others have commented on today, fines collected from  
20 noncompliance should be set aside specifically to  
21 address decarbonization in disadvantaged communities  
22 and low and moderate-income neighborhoods and in  
23 smaller buildings that demonstrate financial need and  
24 are required to comply with Local Law 97. The city  
25 should also look to the state to provide additional

1 utility cost incentives. Electricity is significantly  
2 more expensive than gas and serves as a disincentive  
3 to building owners evaluating the operational costs  
4 associated with electrifying. The city and state  
5 should work closely with the Public Service  
6 Commission to create a separate utility rate  
7 structure for electrified buildings to reduce the  
8 costs for decarbonization.  
9

10 Finally, while Local Law 97 is an  
11 important step in electrifying New York City's  
12 buildings, a large portion of the building stock,  
13 specifically affordable housing, is exempt, and will  
14 not benefit from the transition to clean energy under  
15 this law. In particular, much of CPC's portfolio of  
16 small rental housing under 50 units are not required  
17 to electrify and thinner margins and tighter  
18 financing prevent owners from making the investment  
19 themselves. The city must not leave these buildings  
20 behind. The J51 tax abatement, which is expiring in  
21 June, presents an opportunity for the city to include  
22 decarbonization as a covered cost, recognizing that  
23 creating healthy, sustainable, and resilient housing  
24 is part of improving and ensuring quality housing.  
25



2 Thank you for your time, and I am happy to answer any  
3 questions you may have.

4 CHAIRPERSON GENNARO: Thank you very much.  
5 Your first name is Atalia, is that right?

6 ATALIA HOWE: That's correct.

7 CHAIRPERSON GENNARO: Thank you very much  
8 for your very compelling testimony and for being here  
9 on behalf of CPC. We look forward to getting your  
10 full testimony and some of the points you made have  
11 been unique among everyone who's testified today so  
12 your testimony is going to go, to the Committee  
13 staff, just a note to the Committee staff, I would  
14 like her testimony to make its way to me directly  
15 because I want to drill down on it. You made some  
16 very important points. Thank you for being here, for  
17 waiting 4 hours, and for giving us the benefit of  
18 your good views. I want to thank you and all the  
19 members of CPC for what you do.

20 ATALIA HOWE: Thank you.

21 SAMARA SWANSON, MODERATOR: Now we'd like  
22 to call Sonal Jessel of WE ACT.

23 CHAIRPERSON GENNARO: Let me just, a  
24 little bit of housekeeping here. Now this officially  
25 completes, so every organization that wanted to

2 testify has testified, and, as I said, organizations  
3 that have like a second or a third witness now that  
4 everyone has gone, this is the opportunity so anyone  
5 who thinks that WE ACT is jumping the line here,  
6 they've waited, so now all the organizations have  
7 gone and WE ACT has more witnesses and we're happy to  
8 hear them and we're grateful that they waited so  
9 please continue Madam Moderator.

10 SAMARA SWANSON, MODERATOR: Again, we'd  
11 like to call Sonal Jessel of WE ACT and also Jasmine  
12 Graham of WE ACT.

13 SERGEANT KOTOWSKI: Time starts now.

14 SONAL JESSEL: Thank you, Samara. Good  
15 afternoon, Chair Gennaro. Nice to see you. Good  
16 afternoon, Chair Sanchez. Thank you for the  
17 opportunity to testify today. My name is Sonal  
18 Jessel. I'm the Director of Policy at WE ACT for  
19 Environmental Justice and a member of the New York  
20 State Climate Justice Working Group. Over the past 34  
21 years, WE ACT has been combatting environmental  
22 racism in northern Manhattan, and I have a Masters of  
23 Public Health from Columbia University. WE ACT is  
24 focused on Local Law 97 because communities of color  
25 impacted first and worst by climate change and

2 induced extreme weather events. Using extreme heat as  
3 an example, the New York City Department of Health  
4 found that over a 10-year period, 50 percent of the  
5 deaths from extreme heat were black and African-  
6 American people even though they only make up 25  
7 percent of the city's population. A study from  
8 Columbia found that the city will see around 3,000  
9 heat deaths a year by 2080 if we do not do anything  
10 to reduce our emissions. It's not just health, but  
11 it's jobs. The U.N. reported that by 2030 we'll see  
12 80 million jobs lost due to rising temperatures.  
13 That's in 8 years. That's very soon. WE ACT is here  
14 to discuss many aspects of Local Law 97 as you  
15 already heard from Lonnie Portis, but, in my  
16 testimony, I'm imploring the Council and the agencies  
17 to reject false solutions as part of the  
18 implementation plan. First, we reject the proposed  
19 carbon trading scheme. I thank our administration for  
20 not pursuing cap and trade. Carbon trading has never  
21 proven to reduce pollution and emissions in  
22 communities of color. The model for carbon trading  
23 for New York City found that EJ communities were  
24 still seeing for the first 5 years higher emissions  
25 and pollution in our communities.

2 I also implore you in general to not  
3 forget air pollution such as PM2.5, NOx, SO2, and  
4 healthy housing issues such as lead, mold, pests,  
5 thermal discomfort in decisions about how the law  
6 will be implemented. The use of RECS and offsets  
7 allow buildings to meet emissions goals without  
8 actually reducing their emissions. RECS should only  
9 apply to...

10 SERGEANT KOTOWSKI: Time expired.

11 SONAL JESSEL: And they should not be used  
12 to offset on-site fossil fuel combustion. We would  
13 like to see them limited to 10 percent like offsets  
14 are. False solutions like RECS and offsets as well as  
15 hydrogen blending all assume that local pollution and  
16 the need to improve housing quality is not central to  
17 decarbonization efforts. All carbon and methane  
18 reductions must be done in partnership with coal  
19 pollutant reductions. That is true environmental  
20 justice. Thank you very much for your time.

21 CHAIRPERSON GENNARO: Thank you, Sonal.  
22 It's always good to hear from you and good to work  
23 with you, and thank WE ACT for sending not just 1  
24 witness but 3 witnesses. I think that is indicative  
25 of your passion and commitment and certainly like the

2 points you made and reinforced some of those that  
3 have been made, but some of those points cannot be  
4 made enough and so we thank you very much. We look  
5 forward to receiving your testimony in full, and we  
6 thank you again. Just in case Lonnie forgets, you  
7 have to tell Peggy hi for me, okay?

8 SAMARA SWANSON, MODERATOR: Jasmine.

9 SERGEANT KOTOWSKI: Time starts now.

10 JASMINE GRAHAM: Hi there. Thank you so  
11 much, Chairs, for the opportunity to testify. My name  
12 is Jasmine Graham. I'm the Energy Justice Policy  
13 Manager here at WE ACT. I'm also appointed to the  
14 city's Climate Mobilization Advisory Board where I'm  
15 tasked with representing environmental justice  
16 communities and the implementation of Local Law 97.  
17 Without Local Law 97, our buildings will continue to  
18 be the leading local driver of the climate crisis  
19 while poisoning the health of our children, families,  
20 and communities at large, even more so environmental  
21 justice communities like the folks that we represent  
22 in Harlem will continue to face the brunt of this  
23 burden and will be forced to sacrifice our health to  
24 subsidize the wealth of the real estate and fossil  
25 fuel industries. Over 1,000 New York City residents

2 are killed each year by pollution from fossil fuel  
3 use in our buildings, and these harms are not felt  
4 equally across the city. Communities of color are  
5 exposed to 17 percent more air pollutions, and black  
6 communities are hit the hardest, breathing in 32  
7 percent more particulate matter than their  
8 counterparts. This is the time to ensure that Local  
9 Law 97 is implemented fully, robustly, and equitably.  
10 We strongly urge the Council to stand up against any  
11 attempts to weaken this mandate through penalty  
12 reductions or delays, meager enforcement, or the  
13 inclusion of false solutions. In addition, we must  
14 ensure that costs will not be passed to tenants and  
15 that a clean energy transition centers energy  
16 affordability and addresses the energy burden crisis  
17 in New York City.

18 New York City has an energy affordability  
19 crisis. We have some of the highest utility rates in  
20 the United States, and it leads to exorbitant energy  
21 cost burdens. 32 percent of black and 33 percent of  
22 Latino households in New York City have a high energy  
23 burden, meaning they spend more than 6 percent of  
24 their household income on their energy needs, and,  
25 for reference, the median energy burden in New York

2 City is 2.9 percent. Yet, the median energy burden  
3 among low-income folks is 9.3 percent. In addition, 1  
4 in 4 low-income households has an energy burden over  
5 17 percent, and, at the same time, there's a mounting  
6 utility debt crisis with more than 400,000 Con  
7 Edison...

8 SERGEANT KOTOWSKI: Time expired.

9 CHAIRPERSON GENNARO: Please continue.

10 JASMINE GRAHAM: With over 400,000 Con  
11 Edison customers on average with over 2,000 dollars  
12 of utility debt as of February. For these reasons,  
13 energy affordability must be central to the  
14 implementation of Local Law 97. There have been  
15 attempts to allow penalties and costs to be passed on  
16 to residential tenants. That is unacceptable. One of  
17 the most practical ways to bolster energy  
18 affordability is with energy efficiency. We need to  
19 ensure that low income and communities of color  
20 especially have energy efficient buildings that keep  
21 their costs low and their families healthy, and the  
22 Council and the administration should work together  
23 to engage affordable housing buildings that are  
24 currently exempt from Local Law 97 requirements and  
25 create a fund to help those buildings decarbonize.

2 There are many ways to structure such a fund, but the  
3 core pieces are as follows: The fund should generate  
4 capital from some diversion of existing penalties or  
5 through the development of an alternative compliance  
6 mechanism, leverage state and federal funding, and  
7 subsidize the costs of decarbonization, energy  
8 efficiency and beneficial electrification measures in  
9 affordable housing including NYCHA. I'll be  
10 submitting a testimony in full in writing and thank  
11 you so much for the opportunity to testify.

12 CHAIRPERSON GENNARO: Thank you, Jasmine.  
13 Good to see you. Thank you for your good work. I let  
14 you go over a little bit because you waited more than  
15 4 hours to testify and really appreciate your  
16 patience and the value added you brought to this  
17 proceeding. Thank you very much.

18 JASMINE GRAHAM: Thank you, Chair Gennaro.

19 CHAIRPERSON GENNARO: You bet.

20 SAMARA SWANSON, MODERATOR: We now have 4  
21 individuals who as far as we can tell don't represent  
22 groups but would like to testify anyway. Crystal  
23 Smith, Michael De Valera, Geoff Mazel, and Iram Amin.

24 SERGEANT KOTOWSKI: Time starts now.

25



2 CRYSTAL SMITH: Good afternoon, Chair  
3 Gennaro and Chair Sanchez. My name is Crystal Smith,  
4 and I'm the Director at Nuveen Green Capital. Thank  
5 you for the opportunity to testify today. Nuveen  
6 Green Capital is one of the prequalified vendors for  
7 the New York City Accelerator PACE Program. C-PACE,  
8 as you know, is a financing tool that provides  
9 commercial building owners with affordable sources of  
10 private capital to make energy efficient and  
11 renewable energy retrofits. This program was adopted  
12 in 2019 as part of the city's Climate Mobilization  
13 Act to help property owners pursue these building  
14 upgrades and comply with Local Law 97. Only 2 pilot  
15 projects have been approved and closed by the city,  
16 and the program itself has been closed for the past  
17 year. C-PACE stakeholders, including Nuveen, continue  
18 to work with the Office of Climate and Environmental  
19 Justice and NYCEEC to ensure that this program is a  
20 useful tool that will lead the city towards a  
21 decreased carbon output. For this program to  
22 successfully drive Local Law 97 compliance,  
23 guidelines must be accessible, easy to understand and  
24 interpret, and have achievable standards for  
25 developers, many of whom have already invested

1 significant sums into construction projects expected  
2 that the program would mimic NYSERDA standards. I  
3 testify today to urge the Council in coordination  
4 with the Office of Climate and Environmental Justice  
5 and NYCEEC to ensure that the program reopens as soon  
6 as possible. This requires the city to publish its  
7 revised closing documents so that any transactions  
8 may be executed and property owners may access C-PACE  
9 capital to implement retrofit projects. We also  
10 encourage that the city adjust the C-PACE guidelines  
11 for new construction, which will now go through the  
12 city's CAPA process for the second time, to align  
13 with the timing for the city's building  
14 electrification requirements that were passed last  
15 session by City Council. Once the electrification  
16 requirements go into effect in 2027, then C-PACE  
17 should reflect that requirement as well. Until that  
18 time, new buildings permitted and approved by the  
19 city prior to those deadlines should still be able to  
20 access financing for eligible costs under the NYSERDA  
21 C-PACE new construction standards.

22  
23 I urge the Committee, the Council body,  
24 and the Office of Climate and Environmental Justice  
25 to work towards an immediate reopening of the C-PACE

2 program for retrofits under the current standards and  
3 to take into consideration the recommendations we  
4 have outlined before finalizing the regulations of  
5 the program for new construction projects. Thank you.

6 CHAIRPERSON GENNARO: Thank you, Crystal.  
7 What is the name of your firm?

8 CRYSTAL SMITH: Nuveen Green Capital. Our  
9 cofounders were some of the policy architects behind  
10 the first C-PACE program in Connecticut.

11 CHAIRPERSON GENNARO: Okay. First of all,  
12 please send us your full traffic, and you're  
13 presumably with folks from the administration that  
14 are trying to move this forward, right?

15 CRYSTAL SMITH: Yes, we are.

16 CHAIRPERSON GENNARO: Okay. How's that  
17 going?

18 CRYSTAL SMITH: Slowly.

19 CHAIRPERSON GENNARO: Okay.

20 CRYSTAL SMITH: It's going.

21 CHAIRPERSON GENNARO: Thanks for bringing  
22 this to our attention from your perspective. We heard  
23 it from the administration's perspective. Now we have  
24 it from your perspective. If you hit any roadblocks,  
25 make sure you give us a call, but, certainly, we'll

2 try to work from our end as well, and we hope to get  
3 the benefit of your full testimony which was worth  
4 4.5 hours to wait to deliver because it was very  
5 helpful.

6 CRYSTAL SMITH: Thank you.

7 CHAIRPERSON GENNARO: Appreciate that.

8 SAMARA SWANSON, MODERATOR: Michael De  
9 Valera.

10 SERGEANT KOTOWSKI: Time starts now.

11 MICHAEL DE VALERA: Thank you, Chair  
12 Sanchez and Chair Gennaro. My name is Michael De  
13 Valera, and I'm the Treasurer of Dorie Miller Housing  
14 Co-op in Corona Queens, New York. I'm an Executive  
15 Board Member of the President's Council for Co-ops  
16 and Condos and a member of Community Board 3. Dorie  
17 Miller is the first integrated interracial co-op in  
18 New York City and was created through the efforts of  
19 Adam Clayton Powell, Jr. in 1953 to combat the racism  
20 of the FHA guidelines for returning vets that  
21 prohibited blacks from living in specific areas or  
22 getting loans to purchase homes in other areas.  
23 Today, this legislation before us, Local Law 97,  
24 seeks to make an impact on climate change and to lead  
25 the charge for the removal of fossil fuels from our

1 energy needs. To this end, I am fully supportive. The  
2 issue that I have is how do we pay for it. I'm  
3 currently in the unenviable position of refinancing  
4 our co-op mortgage and looking to replace our 43-  
5 year-old boilers that are using number 2 heating oil.  
6 My choices are stark. I can replace the outdated oil  
7 heaters with updated oil fuel boilers for 2 million  
8 dollars, I can update to gas for 3 million, or I can  
9 go all electric with heat pumps for 10 to 15 million  
10 dollars. We're currently paying more than a million  
11 dollars in taxes on 300 units of housing, which  
12 represents more than 20 percent of our annual budget.  
13 With our current carrying charges, we can't support a  
14 loan to go for the heat pump scenario. The other 2  
15 options leave us in the world of penalties and  
16 doesn't impact positively a contribution towards  
17 helping lower fossil fuel emissions. As Dorie Miller  
18 lays out our purchasing strategy, one question  
19 remains. How will we meet the requirements and pay  
20 for the upgrades?  
21

22 SERGEANT KOTOWSKI: Time expired.

23 MICHAEL DE VALERA: We need help.

24 CHAIRPERSON GENNARO: Please continue.

25 Please continue.

2 MICHAEL DE VALERA: Thank you. We are in  
3 essence a naturally occurring retirement community,  
4 and, contrary to many notions of who are co-op  
5 homeowners, this is not some high-priced Park Avenue  
6 co-op. This might surprise a lot of people, but co-  
7 ops like Dorie Miller are affordable housing and  
8 represent the first rung of the financial building  
9 block for many families. Co-ops want just as much to  
10 be a part of combatting climate change. We want to  
11 implement new technology to help clean the air. We  
12 just need financial assistance, and we're looking to  
13 see how your endeavors will work together with us in  
14 order to make this happen. Thank you.

15 CHAIRPERSON GENNARO: Thank you, Michael.  
16 Thank you for your very compelling testimony. Who's  
17 your local Council Member? Would it be Francisco?

18 MICHAEL DE VALERA: Francisco Moya. I saw  
19 him (INAUDIBLE) earlier today.

20 CHAIRPERSON GENNARO: Nabi, we're meeting  
21 with Bob Friedrich, we're meeting with Warren, we  
22 want to meet with Michael, I'm just wondering, Nabi,  
23 if we just do this all together. We get the relevant  
24 Council Members so it would be Linda Lee, it'd be  
25 Vickie, it'd be Francisco, we have to figure out how

2 to peel the onion on this and get everything from  
3 their perspective and then we can take a run at the  
4 administration and happy to engage with Chair Sanchez  
5 as well or whatever, if you want to send a staff  
6 member or something, Chair, I don't know, because  
7 people are pretty jammed up, and I feel like we have  
8 to go offline, have a meeting, and figure out a way  
9 to help them out so that's what I want to do. We will  
10 be in touch when we put this meeting together. We'll  
11 do it with just you and Francisco or we'll do a thing  
12 with all 3 Council Members that represent the various  
13 co-ops and then we'll have a discussion like that.  
14 What you say is very compelling. We have to figure  
15 our way out of this, and so we're not going away. I'm  
16 not as expert as you are living through this so we  
17 want to get our facts straight and then we can figure  
18 out what's in the realm of the possible because this  
19 is a lot.

20 MICHAEL DE VALERA: Thank you very much.

21 CHAIRPERSON GENNARO: You bet, Michael.

22 Thank you for what you do on behalf of your co-op and  
23 for waiting so long to give us the benefit of your  
24 good testimony.

25 MICHAEL DE VALERA: Not a problem.

2 CHAIRPERSON GENNARO: Okay, thank you.

3 CHAIRPERSON SANCHEZ: I'll also add your  
4 situation is not unique. I live in a co-op myself  
5 that's pretty big so one of the things we asked the  
6 administration for earlier was just a profile, just  
7 so that we can have a sense of how many co-ops we're  
8 talking about because we know that a lot of these are  
9 affordable housing units for middle-income families  
10 so I appreciate you being here today.

11 MICHAEL DE VALERA: Thank you.

12 CHAIRPERSON SANCHEZ: Thank you, Chair.

13 SAMARA SWANSON, MODERATOR: Now I'd like  
14 to call Geoff Mazel.

15 SERGEANT KOTOWSKI: Time starts now.

16 GEOFF MAZEL: Good afternoon. My name is  
17 Geoff Mazel, and I want to thank you for the  
18 opportunity to speak on this extremely important  
19 issue. Having followed Bob Friedrich and Warren  
20 Schreiber and Mike De Valera, we are all members of  
21 the President's Co-op and Condo Council. I'm the  
22 Legal Advisor. I'll try not to be too redundant, but,  
23 Chairperson Gennaro, as you said you're not that  
24 familiar with the co-op world. Well, I am, and I  
25 represent over 20,000 units of housing. I'm not that



2 familiar with the energy world so we would love to  
3 meet with you and see if there's a solution in here  
4 somewhere. I will tell you most of my clients are  
5 Dual Avenue, not Park Avenue, and this is the one  
6 issue that is keeping them up at night. There are so  
7 many unknowns with respect to compliance with Local  
8 Law 97 that we need guidance and we need help in  
9 order to clear the way.

10 As you've heard before, the President's  
11 Co-op and Condo Council is green friendly. We were  
12 one of the few organizations that submitted testimony  
13 in support of the Champlain Tier 4 Hudson Power  
14 Express Project before the Public Service Commission.  
15 I personally have negotiated 2 of the largest solar  
16 projects in co-ops in the city of New York, one of  
17 them being a project very close to you, the  
18 Georgetown Mews Solar Project.

19 CHAIRPERSON GENNARO: Oh yeah, sure, of  
20 course.

21 GEOFF MAZEL: I'm told it's the equivalent  
22 of 22,000 trees being planted, and I strongly  
23 encourage all Council Members to go there and see  
24 what they accomplished, and this was accomplished  
25 with a partnership between government and the co-ops

2 including strong tax incentives, including grants,  
3 and some of the co-op's own money. There are  
4 solutions here. I know there's no appetite to rewrite  
5 the law, but things we're looking for, the removal,  
6 delay, or reduction of penalties for co-ops, and I  
7 know we discussed that at length, tax credits for  
8 Local Law 97...

9 SERGEANT KOTOWSKI: Time expired.

10 GEOFF MAZEL: I'm almost done.

11 CHAIRPERSON GENNARO: Please continue,  
12 Geoff, please continue.

13 GEOFF MAZEL: This is something we  
14 negotiated with Costa when he was in the City Council  
15 and we met with him many times is he was going to  
16 carve out garden apartment complexes because their  
17 campuses have vast green space. They're not even  
18 allowed to build more than they have already, and,  
19 again, if you go to a Georgetown or a Glen Oaks or a  
20 Bay Terrace, you'll see vast green spaces that don't  
21 get calculated in the carbon emission study so if  
22 they basically put all the buildings on one tax lot  
23 back to back it would be the same rating if they're  
24 spread out over acres and acres so we feel that has  
25 to be calculated and we feel that was missed in the

2 original statute. One other issue that I'm not clear  
3 on, solar energy is, I saw a recent Con Ed figure,  
4 it's less than 0.03 percent of renewable energy in  
5 New York City, as I said I negotiated the Georgetown  
6 Mews Project and the Celtic Park and Woodside  
7 Project. I encourage you guys to see that too. Large  
8 communities, but we don't know if the co-ops are  
9 going to get carbon reduction credits for these solar  
10 projects, and we feel that if a co-op or any building  
11 puts in a solar project that they should get credits  
12 for that because you can't spend the same dollar  
13 twice and that's an extremely efficient dollar spent  
14 for all parties because it does generate a revenue  
15 stream for either the co-op or if they lease their  
16 rooves. Anyway, the co-op community, we need a  
17 partner in government. I look forward and I loved  
18 hearing about all the meetings that we'll be setting  
19 up, Council Member Gennaro and Sanchez, and we look  
20 forward to a greener planet for everybody.

21 CHAIRPERSON GENNARO: Thank you, Geoff.  
22 Being that you know everybody, you know Bob, you know  
23 Warren, you know Michael, remember, there used to be  
24 this fellow, Greg Carlson, who was big...

2 GEOFF MAZEL: Yeah, that was me. I was  
3 with Greg. We met for Local Law 84 right before.

4 CHAIRPERSON GENNARO: Okay, okay.

5 GEOFF MAZEL: We were young then.

6 CHAIRPERSON GENNARO: Is he still doing  
7 that?

8 GEOFF MAZEL: This group has become  
9 extremely active on many issues, and we work very  
10 hard and this is a signature issue for our  
11 organization and our members.

12 CHAIRPERSON GENNARO: The co-ops that we  
13 talked about, Glen Oaks, Corona, and Bay Terrace,  
14 they're your clients? They're members of your  
15 organization?

16 GEOFF MAZEL: Yes, we are a package, and  
17 we have many, many other large co-ops, many of them  
18 are garden apartment communities. We could put  
19 together a very productive meeting..

20 CHAIRPERSON GENNARO: I think that you and  
21 I should talk just to figure out how we go forward.  
22 Happy to engage with Chair Sanchez on that.

23 GEOFF MAZEL: I know Asher Zlotnik, Linda  
24 Lee's Chief of Staff, has already contacted your  
25

2 staff so let's set a meeting and let's see what we  
3 can do.

4 CHAIRPERSON GENNARO: Chair Sanchez, I  
5 don't want to step on toes or presume to get too much  
6 into the Housing and Buildings world without your  
7 guidance and support so we'll be...

8 GEOFF MAZEL: We welcome everybody.

9 CHAIRPERSON GENNARO: We'll be reaching.  
10 Geoff, from my vision, we're going to make you the  
11 hub of the wheel and then we'll figure because it's  
12 just, Bob was here and Warren was here and Michael  
13 was here but there are other people too with the same  
14 issue.

15 GEOFF MAZEL: Yeah, we have a large  
16 following. We have over 100 members. We represent  
17 over 100,000 residents in New York City, mostly in  
18 Queens, some in Brooklyn. It's mostly working in  
19 middle-class co-ops. We feel we embody the original  
20 spirit of co-ops. It's affordable housing. It's  
21 entry-level housing. It's (INAUDIBLE) housing. It's  
22 something that, again, my clients are always  
23 complying with Local Law requirements and (INAUDIBLE)  
24 mandates. We want to comply with this, but nobody  
25

2 knows what to do. The numbers we're seeing are  
3 shocking.

4 CHAIRPERSON GENNARO: It looks like it's  
5 something that you tried to hash out with Costa and  
6 you didn't quite get what you were..

7 GEOFF MAZEL: Well, we did, but he never,  
8 we can talk offline.

9 CHAIRPERSON GENNARO: Okay, Geoff, this  
10 has been very productive.

11 GEOFF MAZEL: Thank you, Council Member.

12 CHAIRPERSON GENNARO: Call me Jim, please,  
13 and we'll get together and muscle through this. Thank  
14 you for staying on so long.

15 GEOFF MAZEL: Thank you.

16 CHAIRPERSON GENNARO: You bet.

17 SAMARA SWANSON, MODERATOR: Our final  
18 witness today is Iram Amin.

19 SERGEANT KOTOWSKI: Time starts now.

20 IRAM AMIN: Hello, everybody. My name is  
21 Iram Amin, and I live in Bensonhurst, Brooklyn. Thank  
22 you for organizing this public hearing. I feel  
23 empowered today to be able to voice my opinion on  
24 this very important cutting edge law. I've ben an  
25 environmental enthusiast since 2013 when I first

1 heard the word sustainability. I have a Bachelor's  
2 Degree in Environmental Studies and Sociology from  
3 St. Lawrence University so my educational background  
4 and personal experiences compel me in wanting to see  
5 environmental laws being implemented and enforced,  
6 and Local Law 97 is one of them. The fact that large  
7 buildings contribute to 70 percent of the city's  
8 greenhouse gas emissions is a huge eye-opener for me.  
9 We must set this record right. There needs to be  
10 adequate funding in the 2023 New York City budget for  
11 increased staff at DOB's Office of Building Energy  
12 and Emissions Performance because a few staff members  
13 won't be enough to make the necessary energy  
14 efficiency upgrades. The first compliance deadline  
15 for building owners is coming up in 2024, which  
16 leaves the city less than 2 years to ensure that the  
17 numerous technical details required for the  
18 implementation of this law are worked out.

19  
20           Lastly, this bill is even more crucial  
21 for environmental justice communities who are  
22 disproportionately impacted by climate change,  
23 whether it is the urban heat island effect or  
24 frequent and extreme natural disasters. I'm speaking  
25 on behalf of these communities as it is a matter of

1 life and death for so many people in these  
2 communities, and Local Law 97 will ensure immediate  
3 health benefits for those people. Therefore, I want  
4 to see full implementation and enforcement of Local  
5 Law 97 meaning that the penalties on the developers  
6 are fair, they should not be weakened, and they must  
7 be enforced. This is better and sustainable for  
8 everyone involved. Thank you, again, for this  
9 opportunity to testify today.  
10

11 CHAIRPERSON GENNARO: Thank you so much  
12 for your patience and waiting, oh my god, 5 hours to  
13 testify, Iram, and certainly appreciate the benefit  
14 of your views and your passion on this issue. We urge  
15 you to send your testimony to the Council and to keep  
16 in touch with the activities of both this Committee  
17 and the Committee on Housing and Buildings because  
18 you're deeply invested in the future. That's apparent  
19 by your compelling testimony, and we really  
20 appreciate your presence here today.

21 IRAM AMIN: Thank you, Chair Gennaro.

22 CHAIRPERSON GENNARO: Thank you so much. I  
23 want to thank all the staff that worked so hard on  
24 today's hearing, all the Members that gave such good  
25 testimony, but before I close it out I certainly want



2 to throw it over to my amazing co-Chair, Chair  
3 Sanchez, for any comments that she wants to make at  
4 the end of this long hearing. I really appreciated  
5 doing this with you and your intense engagement on  
6 this issue and openness to all sides. It's been a  
7 real pleasure. I call upon you for any closing  
8 remarks you wish to offer.

9 CHAIRPERSON SANCHEZ: Thank you so much,  
10 Chair Gennaro. It's been really a pleasure to be able  
11 to talk about this critical topic. It's a dense one.  
12 Local Law 97, like I said, was one of the longest  
13 bills I worked on when I was in the administration,  
14 but it's really helpful to hear everyone's  
15 perspective and to have your partnership in co-  
16 Chairing this so thank you for inviting the Housing  
17 and Buildings Committee. Thank you for your stellar  
18 Chairmanship of this meeting. Look forward to working  
19 with you and everyone who we said we'd follow up with  
20 in the coming weeks.

21 CHAIRPERSON GENNARO: Thank you so much,  
22 Chair Sanchez. Again, as I said before, it's been a  
23 pleasure, and we'll partner as we go forward with the  
24 people whom we had engagement with today, and I do  
25 very much look forward to that. Thank you so much.

2 With that said, with no one else wishing to be heard,  
3 I thank Samara, our moderator, the entire teams, all  
4 the central staff, Ricky, my staff, Matt, Nabi and  
5 everyone. With that said, this hearing is hereby  
6 adjourned. Thank you all. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 17, 2022