

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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December 4, 2018
Start: 10:07 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: COSTA CONSTANTINIDES
Chairperson

COUNCIL MEMBERS: Rafael L. Espinal, Jr.
Stephen T. Levin
Carlos Menchaca
Donovan J. Richards
Eric A. Ulrich
Kalman Yeger

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

Mark Chambers, Director, Mayor's Office of Sustainability

Anthony Fiore, Mayor's Office of Sustainability
Director of Energy Regulatory Affairs

John Lee, Deputy Director for Green Buildings and Energy Efficiency, Mayor's Office of Sustainability

Jenny Vacca (sic), Mayor's Office of Sustainability

Cecil Scheib, Chief Sustainability Officer, New York University

Cynthia Norris, New York Communities for Change

Patrick Houston Appearing for Rachel Rivera, Board Member, New York Communities for Change

Pete Sikora, New York Communities for Change

Lisa Dicaprio, NYU Professor of Social Sciences and Conservation Chair, Sierra Club of New York City

Adrianna Espinosa, Director of New York City Program at New York League of Conservation Voters

Brett Thomason, Coordinator of Climate Works for All Coalition, Alliance for a Greater New York, ALIGN

Stephan Adel, New York Working Families

John Mandyck, CEO, Urban Green Council

Isabel Silverman, Senior Fellow, Environmental Defense Fund

Carl Hum, General Counsel & Senior Vice President Real Estate Board of New York, REBNY

David Cohen, Political Manager, SEIU 32BJ

Lindsay Robbins, Director, Strategic Alignment & Implementation, Natural Resources Defense Council, NRDC

Donna DeCastanzo, Natural Resources Defense Council Director, Strategic Alignment & Implementation for NRDC's Healthy People

Jay Egg, Geothermal Expert, Egg Geothermal

Phil Skalaski, Co-President, NY Energy Consumer Council, Vice President of Engineering Energy Services for the DURST Organization & Member of NYECC

Joe Rosenberg, Executive Director, Catholic Community Relations Council Representing the Archdiocese of New York and the Diocese of Brooklyn

Josephine Zurica, Principal, Dagger Engineering
Appearing for: American Council of Engineering companies of New York's Energy Codes Committee, ACEC

Anthony Montalto, Licensed Professional Engineer & LEED Accredited Professional & Associate Partner at Jaros, Baum & Bolles Consulting Engineering Firm & President of ASHRAE New York

Andy Title, Senior Director for Safe Government Affairs, Greater New York Hospital Association

Mary Ann Rothman, Executive Director, Council of New York Cooperatives and Condominiums

Keith Kinch, Co-Founder of Block Power

Jonathan Braman Vice President, Bright Power
Appearing for: Jeffery Perlman, CEO and Founder of Bright Power

Genevieve Sherman, Head of New Markets and Partnerships, Greenworks Funding

Bracken Hendricks, CEO of Urban Ingenuity

David Gabriel Executive Director of PACE Nation

Cliff Kellogg, Executive Director, CSPACE Alliance

Jason Litwak, Director of Government Relations, Con Edison

John Catuogno, Director of Resource Planning and Forecasting, Con Edison

McKenzie Schwartz, Climate Change Compliance Analyst, National Grid

Annie Garneva, New York City Employment and Training Coalition

Jackie Weisberg, Volunteer, 350 Brooklyn

Paula Spear, Volunteer, 350 Brooklyn

Margaret Perkins, Member, 350 New York City

Addie Varshini, Community Organizer, React for
Environmental Justice

Annel Hernandez, NYC Environmental Justice Alliance

Elizabeth Kelly, Manager of Sustainability Programs
Community Preservation Corporation, CPC

Catherine Hughes, Financial Neighborhood Assoc.

Max Wolf, Architect and Structural Engineer
Appearing for: American Institute of Architects,
New York Chapter

John Mealy, Architect, Murphy, Burnham and Buttrick

Stas Zakrewski, Member of American Institute of
Architects, Certified Passive House Designer and
Vice President of New York Passive House

Justin Pascone, Director of Policy, New York
Building Congress

Amy Turner, Executive Director, NYC Climate Action
Alliance

Ismini Spilotis, Executive Director of Mhany
Management, Inc.

Eric Alini, Managing Partner, Hannah Armstrong's
Sustainable Real Estate and Counterpointe Energy
Solutions

Judith Kanippa, New York Safe Energy Campaign and Sane Energy Project Appearing for Ken Gale, Environment Radio Show Producer & Host on WBAI-FM

Andreas Benzing, Architect & certified Passive House Designer and President of New York Passive House

Buck Morehead, NYC Architect and Board Member of New York Passive House

Mary Krieger, Jewish Climate Action Network—Network New York City. JCAN

Sean Twerbert, U.S. Public Affairs Manager, Rockwool Insulation

Paul Famlinentool, Climate Justice Panel, DC37 Executive Vice President of D37 and former VP of Local 375 DC37 Appearing for: John Foster, Co-Chair of 37 Climate Justice Committee

Richard Reese, Added City Atlas at Institute for Sustainable Cities at Hunter College

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2 [sound check]background comments] [pause]

3 [gavel]

4 CHAIRPERSON CONSTANTINIDES: All right,
5 good morning.

6 COUNCIL MEMBERS: [in unison] Good
7 morning.

8 CHAIRPERSON CONSTANTINIDES: Alright, my
9 names is Costa Constantinides, and I am Chairperson
10 of the Environmental Protection Committee of the New
11 York City Council. Just quick housekeeping. If
12 you're in support of something, right, we do this
13 here. No applause. If you're—if you're against
14 something, you can put your thumbs down. You can do
15 it. Just no booing. So, let's just—we'll maintain
16 with a quorum throughout the meeting, and we're gong
17 to have a four-minute clock after the Administration
18 because as you can see, we're filled to the rafters,
19 and I want to make sure that everyone has the
20 opportunity to testify. This is a very important
21 issue, and one that everyone needs to be heard. So
22 we will have a four-minute clock post the
23 Administration. Today, we'll hear—we'll have our
24 hearing on my bills, Intros 1252 and 1253 to
25 requiring—to require building retrofit and create a

1 PACE Program to help building owners cover the up-
2 front cost of these retrofits. We'll also hear
3 Council Member Cohen's bill, Intro 1251 to update the
4 building energy grades established by Local Laws 33
5 of this year. In 1896, Swedish scientist Svante
6 Arrhenius published his ground breaking paper on the
7 influence of carbonic acid in the air upon the
8 temperature of the ground. In it he demonstrated
9 that carbon dioxide was a key driver of atmospheric
10 temperature and that adding or removing CO2 would
11 have drastic impacts on the climate of the entire
12 planet. He—he says, I should have certainly not
13 undertaken the tedious calculations if not an
14 extraordinary interest had not been connected with
15 it. Well, that extraordinary interest is something
16 that we're still talking about today. Since that
17 time, we've CO2 levels in the atmosphere increase by
18 25%. It's higher than it's been in over a million
19 years. The ten hottest global years on record have
20 all been since 1998 and no one under age 30 has
21 experience a month below average climate. On the day
22 after Thanksgiving the Trump Administration tried
23 quietly to release the Fourth National Climate
24 Assessment hoping it would get lost in the post-
25

2 holiday low. Well, we all noticed. When your own
3 government predicts that new—the New York area will
4 potentially see a sea level rise of 11 feet that's
5 higher than LeBron James can jump—dunk a basketball.
6 Then we can expect to see large—we are going to see
7 large outflows of migrants from our coast areas.
8 Communities like the Rockaways, Halletts Cove
9 Peninsula, Coney Island where many of us live will
10 not be able to be livable. Extreme heat will kill
11 over 650 additional people per year. That's not
12 something you can just sweep over the rug. This
13 report came on the heels of the IPCC Report that
14 predicted that we have 12 years left to hold climate
15 rise to 1.5 degrees Celsius, and avert the worst case
16 scenarios, scenarios that were memorably summed up by
17 one person by having to choose whether we subject our
18 grandchildren to the world of Mad Macks or the Hunger
19 Games. The bottom line is this: We've been on
20 notice for 112 years. We can't wait any more. The
21 time to act is now. New York City's buildings
22 account for over 70% of our greenhouse gases and the
23 50,000 buildings those over 25,000 square foot less
24 than one percent of our building stock account for
25 30% of our emissions. When you contrast that with 1

1 to 4-family homes, which represent 82% of our total
2 floor area space, but only 19% of our emissions, we
3 need to start where the emissions are and these large
4 buildings are the right place to do it. My bill
5 Intro 1253 will require everybody over 25,000 square
6 foot or over to commit to deep energy retrofits. In
7 the past we've—we've looked at regulating buildings
8 based on their site fossil fuels or their energy
9 usage. Not this time. 1253 we're getting at the
10 disease rather than the symptoms. By creating a
11 metric based on the building's carbon emissions.
12 Starting in 2022 the worst 20% of buildings will need
13 to retrofit first under this bill. Then in 2024, all
14 buildings at or under the 75% percentile for
15 emissions will be required to retrofit as well. For
16 this class, however, an advisory board will be
17 empowered to take a hard look at the metric and
18 determine if a different approach works better. This
19 metric, however, must be as least as strict as a
20 carbon metric, and get us to at least a 40% emissions
21 reduction from this sector by 2030. This will apply
22 to all buildings. We as a city can't put stranger on
23 the private sector and not be held to the same
24 standard. Everybody has to do their part. Finally,

2 we have to ensure that this does not fall on the most
3 vulnerable. Under this bill buildings with rent
4 regulated tenants will have to meet retro-
5 commissioning requirements under Local Law 87. This
6 way we can get real efficiency from these buildings
7 without causing tenants to be hit with permanent rent
8 increases. We will also created a new office within
9 the Department of Buildings to oversee these
10 provisions, and to assess penalties and determine
11 whether waivers may be appropriate. While I do not
12 want to hit property owners with unduly burdensome
13 fines, we also cannot allow this to become the cost
14 of doing business. We know that this won't be easy,
15 and we know that many will need help, real help. Our
16 second bill Intro 1252 will create a Property
17 Assisted Clean Energy or PACE program to offer low
18 interest loans to building owners to help cover the
19 cost of going green. These loans will be spread out
20 over the useful life of the systems installed so that
21 if the owner makes—often seen that game to the energy
22 savings from a more efficient building technology.
23 Finally, we'll also hear Council Member Cohen's bill,
24 Intro 1251 to modify the building grade standard the
25 Council put in place late last year that is now Local

1 Law of 2018. I know that many people are going to
2 say that this is too costly and too onerous. That's
3 impractical. They were simply asking for too much.
4 No one here is pretending that this is going to be
5 easy. We know it's going to be hard, but we also
6 know as hard as it's going to be it is nothing
7 compared to how hard it will be to adjust when it's
8 too late, how hard it will be to undo the economic
9 and the human costs of the catastrophe to come how
10 hard it will be keep New York City what New York City
11 is for everyone as we know it. This is it. This is
12 the time to act. This is our moment to build a
13 better future, to kick start a green new deal for New
14 York City, and to show the world that we are up to
15 the challenge and we will continue to be the
16 international leader on climate change. I want to
17 thank my colleague Andy Cohen for his work and—and
18 efforts. He will not be able to be here this
19 morning. I thank the staff here Samara Swanston,
20 Nadia Johnson, Jonathan Seltzer, my staff Nick
21 Wizowski and Terrence Cohen—Cohen, and I see that we
22 are joined by both Mark Levine and Council Member
23 Rafael Espinal from Manhattan and Brooklyn
24 respectively. With that, I look forward to hearing

2 testimony from the Administration. Thank you.

3 [background comment]

4 LEGAL COUNSEL: Can you please raise your
5 right hands. Do you affirm or affirm to tell the
6 truth, the whole truth and nothing but the truth
7 today?

8 MARK CHAMBERS: Yes, I do.

9 CHAIRPERSON CONSTANTINIDES: Alright.
10 Mark.

11 MARK CHAMBERS: Good morning. My name is
12 Mark Chambers and I'm the Director of the Mayor's
13 Office of Sustainability. I am joined by Anthony
14 Fiore, John Lee and Jenny Vacca (sic). I want to
15 thank Chairperson Constantinides as well as the
16 members of the committee for this opportunity to
17 testify today on behalf of the de Blasio
18 Administration on Introduction 1253 mandating
19 sanctions on greenhouse gas emissions from large
20 buildings. Introduction 1252 enabling Property
21 Assessed Clean Energy PACE financing. Introduction
22 1251 related to energy efficient grades for
23 buildings. Last year Mayor de Blasio called for bold
24 action to require buildings to undergo retrofits to
25 reduce greenhouse gas emissions, improve energy

1 efficiency, and create jobs. These bills are major
2 steps in that direction, and we look forward to
3 working to ensure that we can do all we can. As
4 fires in California and recent hurricanes in the
5 Atlantic and the Gulf of Mexico emphasize, time is
6 not on our side when it comes to the climate crisis,
7 and cutting greenhouse gas emissions. Just last
8 month 13 United States Government agencies warned
9 that the damage from climate change could cut as much
10 as 10% from the American economy by the century's end
11 if significant steps aren't taken to reign in carbon.
12 Buildings are among the world's, including New York
13 City's larger sources of greenhouse gas emissions,
14 meaning solving our climate crisis has to start in
15 place where we live, work and play. And while these
16 three bills, which focus on buildings move our city
17 in the right direction, they are only part of the
18 solution. The Administration in close partnership
19 with the Council is intent on cutting GHG emissions
20 from all sectors as fast as possible and
21 transitioning to renewable energy and cleaner modes
22 of transportation. This includes doubling down on
23 our environment—our commitment to reduce GHG
24 emissions 80% by 2050 by aligning our efforts with
25

1 the Paris Climate Agreement to keep worldwide
2 temperature increase to 1.5 degrees Celsius beyond
3 which we risk catastrophe. There is no time to rest
4 when it some to climate change. We are constantly
5 asking ourselves what more can we do? Why? Because
6 collectively there is no government, no institution,
7 no company on earth that is doing enough to address
8 this existential dilemma. Making matter worse—worse,
9 the fossil fuel industry is so rich and so powerful
10 and hydrocarbon so central to our economy that this
11 battle was always going to be uphill. We know this
12 is a battle that can't be won, but it can only be won
13 with intense urgency, and we need more of that right
14 now. So, what's the next step? How can we be
15 bolder? How can we be more audacious? The answer
16 partly rests in the future of the bills we're here to
17 discuss today, which are in line with the proposals
18 that Mayor de Blasio put forth in September of 2017.
19 Because these bills are indicative of the actions
20 that cities and states all across the world need to
21 take to give humanity a fighting chance against
22 climate change. It's still not widely understood when
23 it comes to climate change and carbon pollution in
24 the city that buildings are the number one problem.
25

1 When we think about pollution it's understandable
2 that we think about tailpipe exhaust from our cars,
3 but in New York City and in cities all across the
4 world, it's actually our buildings that are the
5 biggest problem. The carbon footprint of our
6 buildings, which is primarily a product of energy
7 used to power and heat and cool our buildings
8 accounts for almost 70% of New York City's GHG
9 emissions. Here in New York City more than 100
10 institutions have committed to voluntarily cutting
11 carbon from their buildings through the city's Carbon
12 Challenge Program. While these property owners
13 should be applauded for their leadership, many other
14 big building owners have not yet grasped the urgency
15 of the problem. Simply put, we can't wait for the
16 vast majority of building owners to get off of the
17 sidelines. That's why we have to mandate carbon
18 reductions in large buildings right now.

19 Introduction 1253 is a practical straightforward
20 approach to reducing GHGs from buildings both public
21 and privately owned. The mandate focuses on
22 buildings larger than 25,000 square foot. By 2022,
23 the worst polluting large buildings would be required
24 to cut emissions or face stiff penalties. More
25

stringent targets would be set for 2024 and 2030. In addition, the city is actively working with the Con Edison and National Grid to study what additional policies and targets could be phased in for 2030 and 2050. This approach doesn't dictate specific technologies or retrofit pathways, providing building owners the flexibility to choose the upgrades that best suit their budgets and their buildings. If enacted, Intro 1253 would reduce GHG emissions in large buildings impacted by the mandate 20% by 2030, and 80% by 2050. These emission reductions will improve local air quality, preventing 90 air quality related hospitalizations and 35 deaths per year, keeping us on track towards our goal to have the cleanest air in any big city in America. And as we all know, the climate crisis will hit the disempowered the hardest. By fighting climate change— but fighting climate change and fighting economic inequality can be too fronts in the same battle. Climate change is an enormous challenge, but if addressed meaningfully, it is an opportunity to provide our residents with lifelong skills that land them solidly in the middle class. This bill will create approximately 14,700 good paying green jobs

2 like retrofitting windows and building envelopes,
3 installing green energy and improving energy
4 efficiency of our heating and hot water systems.
5 Through Mayor de Blasio's dream Green Job Corps
6 Initiative, the Administration is committed to paying
7 for the training to prepare New York City residents
8 to do this work. This plan also acknowledges the
9 affordable housing crisis in this city. Large
10 buildings with one or more rent stabilized or income
11 restricted unit account for about half of greenhouse
12 gas emissions from city buildings. With this bill,
13 more buildings will now have to conduct energy audits
14 and undertake retro-commissioning to optimize how
15 building equipment and systems function together.
16 When it comes to energy retrofits, tenants should not
17 be fairly unburdened—fairly burdened by the cost of
18 necessary building improvements. We look forward to
19 working with the Council on ways to encourage
20 emission reductions from these buildings with out
21 unnecessarily burdening tenants. Now, undoubtedly
22 there will be resistance to a plan like this. People
23 will lobby hard for the status quo. That's usually
24 what happens when new ideas like this arise. Case in
25 point: In Washington State's November ballot

1 initiative where people tried to take matters into
2 their own hands and cut carbon emissions only to be
3 crushed by the money power of big oil. We can't let
4 deniers, and those with deep pockets whose profits
5 are at risk deter us. The clear fact of the matter
6 is that the magnitude of the climate crisis means we
7 urgently have to change the way we live. The science
8 is clear, and we have to cut carbon now, and cutting
9 it from the largest source simply makes the most
10 sense. We also have to acknowledge the other fact
11 that there are costs to this kind of change.
12 Retrofitting buildings will not always be easy nor
13 will it be inexpensive. There are building owners
14 with limited means who genuinely need help making
15 their buildings cleaner to meet the mandate. That's
16 why the Administration is also strongly supportive of
17 Introduction 1252, which enables the Property
18 Assessed Clean Energy financing or PACE financing
19 within the city. The city's PACE program will
20 provide long-term loans at lower interest rates to
21 owners of all building types. PACE loans, which
22 attach to the building rather than the owner require
23 little or no money upfront, and are paid back based
24 on the projected energy savings. This can enable
25

owners to do necessary retrofits, saving them thousands of dollars each year in operating expenses all while without excessively disrupting their cash flow. PACE financing, which is enabled in 36 states and Washington, D.C. is approved in mechanism for improving energy efficiency and expanding clean energy in buildings the. The Pace Program will also complement a wide variety of city and state programs already in place to offer financial support for building energy efficiency. The Administration is committing \$32 million to expand our Retrofit Accelerator Program to provide free technical assistance to any building larger than 25,000 square foot. The Retrofit Accelerator will grow the market for energy retrofits through education and training of contractors and trades in order to meet the demands that buildings need to reduce emissions. But let's remember, that every building owner is subject to the mandate, and is getting it upside, too. Any time you retrofit, you can reduce your energies and thus your energy bill, but I do want to emphasize that there will be consequences to anyone who ignores this new policy. The Administration supports enforcement to encourage compliance and intends to

1 work with the Council to ensure there are reasonable,
2 but consequential penalties to ensure the work is
3 done. Simply put, the cost of inaction will be
4 higher than the cost of compliance, and our
5 Department of Buildings stands ready to enforce the
6 mandate. Mayor de Blasio has long supported a
7 legislative mandate to cut emissions from our largest
8 buildings. Over the coming weeks the Administration
9 looks forward to working with Council, and
10 stakeholders to fine tune the bill in a few areas
11 such as: Achieving emission reductions from
12 affordable housing buildings without unnecessarily
13 burdening tenants. Ensuring compliance timelines are
14 aggressive yet achievable. Structuring penalties in
15 a manner consistent with the costs associated with
16 compliance. Evaluating portfolio level emissions
17 targets for public buildings. Providing
18 accommodations for critical facilities and commercial
19 tenant and industrial process loads such as the
20 purchase—purchase of Offsets, and making sure that
21 the benefits of clean and distributed energy
22 generation are accounted for properly. With regard
23 to Introduction 1251 related to energy efficiency
24 grades in Local Law 33 of 2018, the Administration
25

2 supports a grading scheme appropriate for New York
3 City buildings. We want building owners to be
4 transparent about their efforts to become more energy
5 efficient. When it comes to climate change, the
6 problems we face are daunting, but we actually have
7 more tools at our disposal than we realize. Done
8 right, these bills are powerful tools for our city,
9 and powerful examples for other cities all around the
10 country and world for cutting carbon from our
11 buildings. We look forward to working with the
12 Council on leading the way. Thank you and now I'm
13 happy to answer any questions.

14 CHAIRPERSON CONSTANTINIDES: Thank you.
15 I was remiss in my opening statement in not
16 mentioning a bunch of folks on central staff that did
17 a lot of work on this bill. I just want to make sure
18 we thank Terzah Nasser, Nicole Labib, Megan Chin and
19 Austin Branford. Thank you all of you on central
20 staff who helped draft this legislation. Thank you
21 guys. So, I want to make sure to begin our
22 questioning, and none of my colleagues have shown up.
23 Alright, so let's quickly talk about what building
24 components or function-functions are the primary
25 sources of greenhouse gas emissions?

2 MARK CHAMBERS: So, buildings are—are
3 systems, and so I think the—to understand the
4 sourcing, it's really the energy that goes into being
5 able to heat and cool buildings. You know, heat and
6 hot water are very—very critical to that, but also
7 the source and energy that comes from the grid to be
8 able to power those—those buildings especially when
9 they're using high amounts of energy during the
10 summer as well. So, I think all buildings systems
11 and—and components go into that both those that are
12 burning fossil fuels on site as well as electrical
13 usage throughout the buildings.

14 CHAIRPERSON CONSTANTINIDES: And what
15 sort of energy efficiency measures are currently
16 required of buildings?

17 JOHN LEE: There are several local laws
18 dating back to the previous administration as well
19 that require for large buildings mostly defined as
20 50,000 square feet and larger, and in some cases
21 25,000 square feet and larger. Plus if I may cite
22 some examples, Local Law 87, which is also being
23 expanded under this bill require energy audits and
24 retro permission items, which is generally
25 characterized as low cost to no cost measures to make

2 your system run correctly or as designed. There's Law
3 88, which will require non-residential tenants to be
4 subject submetered and to have their lighting systems
5 upgraded to modern code standards by 2025. That law
6 affects buildings 25,000 square foot and larger.
7 More recently, bill were enacted to upgrade our
8 energy codes to meet a "stretch code" standard, which
9 exceeds the underlying State Energy Code.

10 CHAIRPERSON CONSTANTINIDES: And to our
11 knowledge has the retro-commissioning work that we've
12 put forth, has that caused an MCI in any way?

13 JOHN LEE: In general, no.

14 CHAIRPERSON CONSTANTINIDES: Okay, in
15 general.

16 MARK CHAMBERS: I think it's important to
17 understand is that again the retro-commission and
18 retooling of buildings are all part of systems, and
19 so—so some larger programs.

20 CHAIRPERSON CONSTANTINIDES: Some large
21 programs.

22 MARK CHAMBERS: Yes.

23 CHAIRPERSON CONSTANTINIDES: So, we
24 definitely want to make sure that we fine tune this
25 to make sure we protect tenants.

2 MARK CHAMBERS: Yes.

3 CHAIRPERSON CONSTANTINIDES: I know
4 that's important for everyone here. What percentage
5 of the buildings comply with Local Law 87?

6 JOHN LEE: We—more recently we are coming
7 up to around 75% compliance rate and this has been
8 improving over time as the industry has become sort
9 of accustomed to the law, and are aware of the
10 requirements imposed by the Department of Buildings.

11 CHAIRPERSON CONSTANTINIDES: And how many
12 more buildings are required to engage in retro-
13 commissioning under Intro 1253?

14 MARK CHAMBERS: We anticipate around
15 11,000 more properties would come under their
16 purview. Currently buildings are 50,000 square foot
17 and larger, which is what Local 8 has and encompasses
18 around 13,000 properties and allow me to make the
19 emphasis on properties, and a given property may have
20 multiple buildings on that property.

21 CHAIRPERSON CONSTANTINIDES: And do we
22 know what percentage of emissions did we, you know,
23 did we get in reductions for those—for that 50,000
24 square foot building stock by having the retro-
25 commissioning?

2
3 MARK CHAMBERS: So, retro-commission
4 again, it's a wide range, but I think up to 5% is
5 typical across the board.

6 CHAIRPERSON CONSTANTINIDES: So, we
7 should be able to expect the same type of reduction
8 from-to buildings—from the new buildings that we're
9 bringing into the program, correct?

10 MARK CHAMBERS: An aggregate.

11 CHAIRPERSON CONSTANTINIDES: An
12 aggregate. Okay. So, I guess let's talk about the
13 Retrofit Accelerator really quickly. How many
14 buildings have gone through the Retrofit Accelerator?

15 MARK CHAMBERS: So between the Retrofit
16 Accelerator as well as the community based retrofit,
17 we've touched about 5,000 buildings.

18 CHAIRPERSON CONSTANTINIDES: About 5,000
19 and under—how do we—how do we see the scale up on the
20 Retrofit Accelerator under this new legislation? How
21 do we make sure that building owners who need help
22 who are all going to have to comply, how do we make
23 sure that we can get them in and—and get the guidance
24 and help that they need through the Retrofit
25 Accelerator?

2 JOHN LEE:: So far, the Retrofit
3 Accelerator has been operating under a voluntary
4 engagement with property owners and to—to that extent
5 the, you know, Retrofit Accelerator has met the
6 programmatic goals, but this would operate
7 differently under a mandate. If I may point the
8 Clean Heat Program, as an example where there was law
9 requiring the phase out of fuel oil that made it for
10 a different impetus to engage with the property
11 owners. We can claim 100% compliance with Local Laws
12 43 and the Number 6QR freeze up. We'd expect under a
13 mandate under—through this bill that the engagement
14 with property owners the record Retrofit Accelerator
15 would have a different character and more probably a
16 larger uptake.

17 CHAIRPERSON CONSTANTINIDES: So, this \$32
18 million you talked about would help us meet that
19 demand?

20 JOHN LEE:: It would definitely be going
21 towards that for sure.

22 CHAIRPERSON CONSTANTINIDES: And what
23 sort of education do you envision? Like how do we
24 make sure that building owners understand their
25 responsibilities and obligations? Like what do you

2 envision as an educational program to speak to
3 building owners to make sure they understand what
4 they have to do because many of them don't have the
5 expertise. Many do have the expertise, but some
6 don't.

7 JOHN LEE: They do have our engagement
8 through our stakeholder outlets, but we also know at
9 a property basis how much energy is being consumer on
10 the GT emission through that, and we can use that
11 information through a direct targeted outreach to
12 property owners their—the highest emitters. Can a
13 letter go out to Trump International Tower first?
14 [laughter]

15 JOHN LEE:: A letter will go out to all
16 the property owners affected by the law. [laughs]

17 CHAIRPERSON CONSTANTINIDES: Good answer,
18 John, good answer because they don't believe in
19 climate change, but it's real. So, we have to make
20 sure that they understand they have to get it done,
21 but how many projects did the New York City Retrofit
22 Accelerator were worked on in 2018?

23 JOHN LEE: I will have to come back to
24 you with that specific number. I don't want to speak
25 on the record without—without the information.

2 CHAIRPERSON CONSTANTINIDES: Alright.

3 So, I guess the questions that I have relating to I
4 guess going back to the education, we will—it will be
5 robust and continuous, correct, in—in different
6 languages because New York City is—is-- You know, I
7 know in Queens we did 190 languages in Queens and the
8 rest spoken in my district. We need to make sure
9 that the folks can get it in the language they speak,
10 correct.

11 MARK CHAMBERS: Absolutely and to your
12 point, it's important we meet people where they are,
13 and being able to—this a responsibility that we all
14 have. So, being able to not just reach out to
15 building owners, but being able to create an
16 environment where everyone understands the—the value,
17 understands how urgent this is, is both on the sides
18 of residents as well as building owners and tenants.

19 CHAIRPERSON CONSTANTINIDES: Alright, I
20 will—you have several questions. Okay. Alright, I'm
21 going to pass it the questions over to Council Member
22 Mark Levine.

23 COUNCIL MEMBER LEVINE: Thank you, Chair
24 Constantinides [coughs] for your leadership on this,
25 which has been outstanding. When I—and good morning

2 to the Administration—when—when I speak to folks in
3 my district about climate issues, I always start out
4 with a survey and ask people how many of you think
5 the number one source of greenhouse emissions in New
6 York City is automobiles, and a lot of people raise
7 their hands, and then I ask them how many of you
8 think it's diesel trucks and buses, and if you want
9 people to raise their hand. Of course, everyone here
10 knows that those are not the main sources of
11 greenhouse gas emissions in New York City as the
12 Chair and the Administration has appropriately
13 explained. The smoke stacks in New York City, our
14 tall buildings, our big buildings, which are
15 producing upwards of two-thirds of the greenhouse
16 gases, and the Chair made a joke about it, but
17 Exhibit A on this actually is Trump Tower, and you
18 can check this if you—if you don't believe us in a
19 great website called meter.nyc, and you'll see if you
20 type in the address of any large commercial building
21 shockingly Trump Tower is amongst the least energy
22 efficient in New York City. It's—it's not
23 complicated to make buildings like Trump Tower more
24 efficient. You insulate the windows, you turn the
25 lights off in rooms that are not in use. You upgrade

2 some of the mechanical systems. This can be done,
3 and it ultimately saves the building money over time.
4 It's just—it's—it's smart environmental policy and
5 it's smart economics. Commissioner, typically in
6 opening statements from the Administration we—we hear
7 more extensive comments about the Administration's
8 position on the bills that we're considering, and you
9 did speak favorably on this topic, but I just want to
10 give you a chance to explain whether you do have any
11 specific reservations on the bill. Are you
12 recommending adjustments to the language or are you
13 supportive of the bill as is?

14 MARK CHAMBERS: The main points that I
15 have expressed somewhat in my testimony is that there
16 are, you know, six main areas where we're looking to
17 kind of work with—with Council to just strengthen the
18 bill really, and I think this is—we're—we're very
19 supportive of—of what the bill is moving to
20 accomplish. So, one is achieving emissions
21 reductions from affordable housing units without
22 necessarily burdening tenants. I think working with
23 the Council to be able to look at the impacts of
24 retro-commissioning and—and so--

2 COUNCIL MEMBER LEVINE: And so you're
3 confident there's a mechanism that can protect
4 vulnerable tenants? We haven't secured very much
5 about that.

6 MARK CHAMBERS: We also care about
7 protecting vulnerable tenants. I think that the—the
8 bill moves to extract as much value as possible
9 without—not burdening those tenants, and so that is
10 something we'd like to focus on more. Ensuring
11 compliance timelines are aggressive yet achievable.
12 I think making sure that we are actively working with
13 Council on—on looking at the—the compliance date, and
14 making sure that is appropriate and achievable for—
15 for the—the market. Again, structuring policies
16 (sic) consistent with the cost associated with
17 compliance, and what that really means is that we
18 need—we do want there to be a necessary incentive
19 for—for buildings to comply. That means that inaction
20 must be more expensive than compliance. Evaluating
21 portfolio level targets especially for city
22 buildings, looking at being able to achieve robust
23 reductions from—from the city portfolio of—of
24 Buildings in aggregate. Looking at providing
25 accommodations for critical facilities, facilities

2 that are operating 24 hours to be sure that
3 facilities that have specific process loads that—
4 making sure that we're accounting for them in a way
5 that is not disincentivize economic activity, but
6 also acknowledges that they're building typology and
7 usage might be—might be different, and providing
8 opportunities for those buildings to be able to—to
9 still work to comply and work to—to achieve the
10 ultimate goals of—of the legislation, and, of course,
11 it's making sure that the—the bill is really
12 addressing the benefits and resiliency associated
13 with distributed generation to make sure that's
14 accounted for properly—properly in the bill.

15 COUNCIL MEMBER LEVINE: Well, that's a
16 lot. I hope that we're not facing the threat of
17 death by a thousand cuts. I know that you are in
18 dialogue with the Chair on every one of those issues,
19 and many of them are goals that we also share, but I
20 want to caution against reaching in there so much
21 that it makes it impossible to achieve our ambitious
22 but necessary goals. I do very quickly before I—I
23 pass it back to the chair I want to raise a point
24 that—that I've heard, and others on the committee
25 have heard a lot in lead up to the hearing from non-

2 profit owners of large buildings. Not every building
3 in the city is corporate owned, and some of these
4 non-profits are themselves struggling financially,
5 and it is important that we take their needs into
6 account. Has the administration considered helping
7 to share the financial burden in cases where the
8 owners are non-profits who themselves may live off
9 city contracts and, if there's not money in the city
10 contract for whatever service they provide, then
11 there's no way to pay for it.

12 MARK CHAMBERS: I think one of the—the—
13 the kind of main points that—that we've tried to make
14 is that that is the—why it is so important that the
15 Council chair has also introduced the PACE Financing
16 bill to make sure that building owners have access to
17 low cost money, and money that can—that can stretch
18 out and have much longer kind of payback time cycles,
19 and again live with the building and not the owner.
20 I think that is really important to be able to unlock
21 a lot of the potential for these building owners to
22 not have to have the upfront capital to be able to
23 invest in the buildings, but still benefit from the
24 retrofits that will lead to lower operating costs.

2 COUNCIL MEMBER LEVINE: Right. So, non-
3 profits even low-cost financing might not be enough.
4 It might take some—some—an enhancement of our
5 contracts to enhance their operating income, but we
6 encourage you to have that conversation with the
7 relevant property owners. Thank you very much,
8 Director Chambers and thank you particularly, Mr.
9 Chair.

10 CHAIRPERSON CONSTANTINIDES: Before I
11 give it over to my colleagues, I do want to ask one
12 question about compliance. The Department of
13 Buildings, how do you envision compliance? How many
14 more—how much staff do you think that the—the new
15 office will need? How do we make sure that we are
16 actually getting the building reductions that we
17 need, and that there will be a compliance mechanism
18 that's actually out there doing that work?

19 JENNY VACCA: Thank you for the question,
20 Council Member. Owners will have to submit an annual
21 report to the Department of Buildings similar to
22 other laws that we are currently enforcing.
23 Depending on information that we see in those report,
24 which will be self-certified by a registered design
25 professional, we would evaluate whether those number

1 seem accurate or if they seem off. If they seem off,
2 then we could compare those to the benchmark and
3 information that's submitted by the owner on an
4 annual basis, and look for discrepancies with—under
5 and audit program. In addition to that, we would
6 possibly send inspectors out to a building to look at
7 the conditions and fully understand what's happening
8 at the building because not every building is an
9 average building. They're very different. So, this
10 is very similar to the—the laws that John has already
11 described and our enforcement duties that we already
12 take on. Saying that, however, we do not have enough
13 staff to implement the proposals that are in the law,
14 the way it's written now and as the bill evolves over
15 time we'll work city hall and OMB to identify the
16 staff that we need to add. We have a few things in
17 the bill that are being added to the tasks that DOB
18 currently undertakes. This commits us to increasing
19 the universe of buildings that are subject to Local
20 Law 87. So, we will need staff with that. They also
21 asked us to facilitate an advisory board and look at
22 a number of possible additional means of compliance,
23 and undertake a cap and trade study, and finally,
24 also possibly facilitating alternative means of
25

2 compliance. So the time line for adding new staff
3 will depend on how the bill evolves over the next few
4 weeks and we look forward to working on resolving
5 those new needs.

6 CHAIRPERSON CONSTANTINIDES: I look
7 forward to with you and the Administration in the
8 budget process next year to make sure that you have
9 all the tools that you need at your disposal. It
10 would be a tragedy if—if we do all of this work, but
11 yet you don't the work—the manpower to get that done.
12 So, with that, I'll turn it over to Council Member
13 Espinal and then Council Member Lander.

14 COUNCIL MEMBER ESPINAL: Thank you, Mr.
15 Chair. Thank you for holding this hearing, and for
16 pushing forward these important bills. Just a few
17 questions. A pleasure—a pleasure to see you,
18 Commissioner. What—what is this—this—I just wanted
19 us to do some numbers. What is the percent—what is
20 the carbon reduction goals of the city of New York by
21 2030?

22 MARK CHAMBERS: So, the city of New York
23 has a 40 x 30 goal, which is on the pathway to 80% by
24 2050.

2 COUNCIL MEMBER ESPINAL: And what is the—
3 what is the—the carbon reduction we're going to see
4 if these pass from the buildings?

5 MARK CHAMBERS: So, to that larger goal,
6 it—it will account for about 7% of the city's
7 greenhouse gas emission reductions. Of 20–7% of the
8 total citywide emissions, about 20% of the buildings
9 emissions fail.

10 COUNCIL MEMBER ESPINAL: Now, are—are we
11 pushing bills that could potentially have been
12 strengthened in order to get more reductions from
13 these buildings?

14 MARK CHAMBERS: I think this bill is not
15 just ambitious, but it's appropriate, and I think
16 that the Council Chair has worked extensively to make
17 sure this is aligned with where the city needs to be,
18 and the critical paths to be able to get there. I
19 think that over time we will definitely see if there
20 are ways to strengthen more activity, and we're
21 constantly working to do that, and I think all of the
22 suggestions that I've made in my testimony are to
23 Council Member Levine's point not at all intended to
24 weaken the bill, but if anything, intended to

2 strengthen it. We need to do more and need to do
3 more more quickly.

4 COUNCIL MEMBER ESPINAL: Yeah definitely
5 and that's my point. I feel like now more than ever
6 we need to do more. Your Climate Report states that
7 we have to reduce our carbon emissions by 45% by 2030
8 in order to make sure we don't hit those type of
9 disasters outlined in that same report. So, I'm
10 hoping that's what we're doing and just want to also
11 state to the chair that I would like to sign onto all
12 of these bills. I just noticed my name aren't on
13 them, but I stand behind this initiative, and
14 anything we do to strengthen these bills, and-and to
15 do more to make sure our city is exceeding that 40%
16 by 2030, and I'm on board. Thank you, Chair.

17 CHAIRPERSON CONSTANTINIDES: Council
18 Member Lander.

19 COUNCIL MEMBER LANDER: Thank you, Chair
20 Constantinides, and I just really want to give you a
21 lot of praise and all the folks who worked on getting
22 to this, the task force you worked with, all of the
23 advocates here. This has taken a lot of work to get
24 to this point. I'm really grateful to be the co-
25 sponsor and for all your work and everybody here. I

1 think it's obviously fitting that the place is packed
2 to the rafters on this critical issue. Without
3 wanting to be kind of too negative about it, I do
4 think it's important to flag how challenging it has
5 been to get here so that we are resolute moving
6 forward. It is my understanding that when Local 87
7 was passed in 2009, it was originally supposed to be
8 a mandatory retrofits bill, that actually Mayor
9 Bloomberg and then Speaker Quinn had agreed on a
10 framework for mandatory retrofits, but it was
11 weakened after it was heard, and turned into a
12 mandatory retro-commissioning bill, and not a
13 mandatory retrofit bill in 2009. So, if we had been
14 resolute in 2009, we could be 10 years into a
15 mandatory retrofit program. We didn't have that
16 decade. We don't have that decade. A lot of us
17 pushed then candidate de Blasio when he was running
18 for mayor to make mandatory retrofits the centerpiece
19 of his first campaign so we come in in year one and
20 get here, and the—what we heard back was let's see if
21 we can make the voluntary approach work first, and so
22 we tried for several years when a lot of us in this
23 room knew the voluntary approach was not going to get
24 us there, and then we got a couple of years in, yes
25

2 we'll need to do mandatory retrofits, but it's
3 complicated, and so now here we are two or three
4 years after that ten years after we started. So, the
5 urgency is-is, you know, much more clear to all of
6 us. I get that it's complicated, but we don't have
7 any more time to wait. So, I guess question one is
8 how do you think it's going to take to get from this
9 hearing to working out the set of issues that you've
10 raised, and it acceptable to the chair and acceptable
11 to the advocates and supporters of the bill so we can
12 pass a strong bill and move forward to start
13 retrofitting votes. (sic)

14 MARK CHAMBERS: The Administration is-is
15 committed to working as quickly as possible. I
16 think-I think when the-when the--

17 COUNCIL MEMBER LANDER: [interposing] How
18 quickly do you think that can be?

19 MARK CHAMBERS: We can do it after this
20 meeting if that's how you want it.

21 COUNCIL MEMBER LANDER: [interposing]
22 Great. So, by tonight we can have version of the
23 bill that we can--

24 MARK CHAMBERS: But no, I mean,
25 seriously, we-we are committed to pushing this. This

2 is very important to the mayor and—and we have been
3 working extensively with the Council to—to be able to
4 strengthen the bill as much as possible to make sure
5 that this as bold a step forward as it possibly can
6 be. There is no more time.

7 COUNCIL MEMBER LANDER: Great. Alright,
8 so we're going to move very expeditiously to work out
9 those issues and get this done. Let's just speak a
10 little honestly about the—the challenges, you know,
11 the reason why it took 10 years, and—and I think the
12 challenges are in two buckets. One is because there
13 are some complicated things to work out, and the
14 other is because there has been a lot of pushback
15 from the real estate industry that did not want
16 mandatory retrofit requirements 10 years ago, and I'm
17 thrilled they're onboard with the Urban Council Task
18 Force, but I don't want that to slip. So, I—I think
19 we need to be honest out loud that we're going to
20 face both technical challenges and political
21 challenges in landing a strong bill. Do you agree
22 with that?

23 MARK CHAMBERS: Agreed.

24 COUNCIL MEMBER LANDER: And you're
25 committed to work through both the technical

2 challenges and the political challenges to get a
3 strong bill quickly?

4 MARK CHAMBERS: Both.

5 COUNCIL MEMBER LANDER: Great. Alright
6 so that's—I really appreciate that, and you and I
7 have worked well together so I take you at your word
8 on it. I don't ask those questions out of doubt or
9 skepticism. I asked that question because here we
10 are 10 years later, and I don't want to wait any
11 longer. One thing, I did get some—I asked for
12 members of my—for constituents to reach out to me if
13 they had questions, and I will say overwhelming
14 support for these bills as strong as they can
15 possibly be. I did hear from some co-op owners who
16 are not covered by the MCI issue and other, but they
17 are co-ops asking how will the city and the Council
18 work with buildings that are co-ops to make sure we
19 can comply with the bill in a good strong way but,
20 you know, one that also we can make work. Can you
21 just speak to how you would see working with—with co-
22 ops to achieve compliance?

23 MARK CHAMBERS: Sure. I think that's one
24 of the benefits of the expansion of the Retrofit
25 Accelerator is that we're—we have data coming in from

2 buildings. You know, these large buildings that are
3 benchmarking or reporting energy usage it allows us
4 to use that data to fine tune our outreach, and be
5 able to fine tune and tailor them to building
6 typologies and building owners. So, that allows for
7 us to have a track of-of services and a track of
8 guidance going to coops that is unique for their
9 particular needs. And so the-the goal is to be able
10 to use this-this pressure in the mandate that's being
11 created to be able to help their attention to-to
12 that-that help, and allow for us to-to provide as
13 much resources as we can.

14 COUNCIL MEMBER LANDER: Do we have some
15 information from the Local Law 87 and the auditing
16 and retro-commissioning so far that looks
17 specifically at co-ops and I guess other types of
18 buildings that will be helpful to us as we proceed in
19 that way.

20 MARK CHAMBERS: Yes, absolutely. We can
21 gather today energy and greenhouse gas emissions, the
22 reporting from buildings that are 50,000 square foot
23 and larger, and that same Local Law 84, which was
24 amended by this Council, is going into effect for
25 25,000 square foot and larger buildings within a

2 matter of weeks here. And so we will have a full
3 reporting of all the buildings affected by this bill
4 proposal before us today, and exactly how much
5 emissions they're emitting today.

6 COUNCIL MEMBER LANDER: And I see that
7 there's a lot of people signed up to testify so I
8 won't take any longer, and my questioning is, of
9 course, a lot of detailed issues to work out, but it
10 seems like we'll learn a lot more from listening
11 today, and I appreciate both the leadership of the
12 Chair and the Coalition and the commitment from the
13 Administration to work with us expeditiously through
14 whatever, both technical or political challenges come
15 because green new deal for New York City cannot wait
16 any longer. Thank you.

17 CHAIRPERSON CONSTANTINIDES: Thank you,
18 Council Member Lander. I want to recognize that
19 we're joined by both Council Member Kalman Yeger from
20 Brooklyn and Council Member Steve Levin from Brooklyn
21 and Council Member Levin has questions, or do-do-
22 [pause]

23 COUNCIL MEMBER LEVIN: Thank you—thank
24 you, Mr. Chair. So, I—I realize some of these—these
25 questions may have already been asked. You—do you—do

2 you have a sense of what percentage of greenhouse gas
3 reductions have been achieved already by the existing
4 retro-commission requirements?

5 MARK CHAMBERS: So, particularly—not just
6 by that. Holistically we produce and we've achieved
7 15% GHG reductions citywide, and that is a component
8 of it, but typically and using kind of aggregate
9 national averages, a retro-commission usually
10 accounts for somewhere between 3 to 5% in-kind of
11 buildings energy usage reduction.

12 COUNCIL MEMBER LEVIN: And for the
13 existing retro-commission requirements, have any of
14 them been found to constitute an MCI resulting in
15 increased rents for tenants?

16 MARK CHAMBERS: So, to that question I
17 think it's important to understand retro-
18 commissioning fine tuning and making sure building
19 systems are operating correctly can be part of
20 massive undertakings and massive kind of amount of
21 work and projects that may be capital intensive and
22 may be subject to other things. For the most part
23 the retro-commissioning as a standalone does not—does
24 not contribute to inside.

2 COUNCIL MEMBER LEVIN: Okay. So, do you
3 see that as a—as a—potential issue moving forward
4 with impacts of this legislation?

5 MARK CHAMBERS: Yeah, I think—I think to
6 the—to the credit of the chair, I mean it's
7 structured inappropriately to make sure that the—the
8 -the retro-commissioning audit requirements are
9 enabling those buildings to take on as much as
10 possible without burdening tenants.

11 COUNCIL MEMBER LEVIN: Okay, and
12 [coughs] do you see the—the goals set out in this
13 legislation as being entirely achievable throughout
14 New York City and, you know, that by 2030 targets and
15 the 2050 targets?

16 MARK CHAMBERS: The short answer is yes.
17 We—we have to achieve that. There—there—there's—
18 there' no—there is no alternative. We—we—we're out
19 of time, and we must be able to change the way we
20 live and galvanize the amount of work necessary to
21 retrofit our city. So, the—there aren't options.
22 You know, failure is not an option in—in this case.
23 I think to the—to the extent that we can make things
24 happen faster and quicker and look at efficiencies

2 and—and how we can gain them, that's also a part of
3 this-this program and necessary news.

4 COUNCIL MEMBER LEVIN: And what's the—you
5 foresee the overall impact by 2030 and by 2050 of—of
6 our citywide, you know, of our citywide greenhouse
7 gas impact or how—overall carbon footprint? How—how
8 does—what's the overall impact that you see this
9 legislation making in terms of not just our
10 buildings, but our entire city carbon footprint.

11 MARK CHAMBERS: Sure. I mean this is the
12 single largest thing we can do impact greenhouse gas
13 emissions--

14 COUNCIL MEMBER LEVIN: [interposing] Uh-
15 hm.

16 MARK CHAMBERS: --period. Being able to
17 chart a course between where we are and—and 80%
18 reduction by 2050, that is necessary, but what we're
19 trying to achieve and what this—these bills are
20 moving towards are deeper reductions faster so that
21 beneath that curve on our way to 80 x 50 we are
22 reducing the amount of emissions that will be emitted
23 during that timeframe. So, for—for us it's a—it's a
24 game of time as well as a game of ultimate emissions.
25 It's also a game of leadership. You know, being able

2 to implement a set of bills like this is something
3 that no other city has done, and as-as a result, we
4 unlock the potential for other cities to be able to-
5 to structure their laws and-and make changes to
6 follow New York City and to be able to-to learn from
7 what we're trying to accomplish.

8 COUNCIL MEMBER LEVIN: You have-been able
9 to quantify what-what you think the impact of this
10 legislation will be on our-our carbon footprint?

11 MARK CHAMBERS: So, as structured now
12 about 7% of the-of the emission productions would
13 come from this single action.

14 COUNCIL MEMBER LEVIN: Seven percent of
15 our-of our entire carbon footprint across New York
16 City? Um, and what is-if you were looking at a big
17 picture of our-of our entire country, what is-what is
18 New York City's contribution to our country's carbon
19 footprint? Do you know that off the top of your
20 head?

21 MARK CHAMBERS: I don't know off the top
22 of my head. I mean I would think it's important to
23 understand that, you know, climate change doesn't
24 respect the boundaries of our five borough sites.
25 So, I think that, you know, we are the largest city

2 in-in the-in the country and we have an obligation to
3 do as much as we can as quickly as we can?

4 COUNCIL MEMBER LEVIN: Okay. Alright.
5 Thank you very much for your effort on this. Thanks
6 for working with-with our-our Committee Chair, the
7 entire Council and then all of the stakeholders. I
8 know a lot of work went into this legislation. I'm
9 excited to support it. I'm excited to see it passed
10 in the very near future and to-to work towards
11 implementation. So, thank you very much for all your
12 help. Thanks.

13 CHAIRPERSON CONSTANTINIDES: Thank you,
14 Council Member Levin. So, the question I have is how
15 do you-how do you see city buildings playing a part
16 here, and a leadership role in getting the reductions
17 that we want to see in the private sector?

18 MARK CHAMBERS: Sure. We have a unique
19 and a kind of amazing portfolio of buildings in the
20 city. We have over 5-4,000-every one of those
21 buildings that the city owns and operates, and the
22 city continues to try to use their buildings as an
23 exemplar of how we're able to implement not just
24 policies that services these and residents of the
25 city, but also the physical buildings themselves

2 being able to be examples of how we can move on
3 aggressive high production. So, we are committed to
4 being able to look at the—the whole portfolio, that
5 unique large portfolio of buildings to be able to
6 reduce the energy usage from all of them, and we've
7 committed \$2.7 billion to be able to—to achieve that.
8 But just make sure—did—did you get sworn in?

9 MARK CHAMBERS: Yes.

10 CHAIRPERSON CONSTANTINIDES: You did.
11 That's important. Alright, go ahead sir.

12 MALE SPEAKER: So, I'll just add that the
13 city looks to continue to—to lead the way, and this
14 bill will result in about a 50% reduction in
15 emissions from city-owned buildings.

16 CHAIRPERSON CONSTANTINIDES: That's 5-0?

17 MALE SPEAKER: 5-0. That's compared to
18 about 20% from the private buildings. So, the city
19 is continuing to lead the way through this bill.

20 CHAIRPERSON CONSTANTINIDES: It's really
21 good to hear because I mean we need to lead in order
22 for this to work right? We need to be able to
23 demonstrate to the private sector that we're
24 committed and we recognize how serious this is. So,
25 I'm—I'm—we've done a lot of really great things

2 together. I'm looking forward to partnering further
3 with you getting ready to go here, and this will be
4 the largest emissions reduction policy you said?

5 MARK CHAMBERS: Absolutely.

6 CHAIRPERSON CONSTANTINIDES: In the
7 history of the city?

8 MARK CHAMBERS: Absolutely.

9 CHAIRPERSON CONSTANTINIDES: This is what
10 we want.

11 MARK CHAMBERS: In the history of any
12 city. This is--

13 CHAIRPERSON CONSTANTINIDES: In the
14 history of any city. Right, I mean so in history the
15 largest emissions reduction policy of any city
16 anywhere in the world. That's serious so I'm looking
17 forward to making sure we get this right. So, on the
18 enforcement side with DOB, on the technical side and--
19 and I agree with Council Member Levin that we do have
20 to find a path for non-profits and make sure that
21 groups that are doing good work can continue to do
22 good work while participating. We can't carve them
23 out, but we can make it easier for them to do it.
24 So, let's make sure that we can do that. So, I'm

2 looking forward, and—and in partnership to getting
3 this done. So thank you for your testimony.

4 MARK CHAMBERS: As do we. Thank you.

5 CHAIRPERSON CONSTANTINIDES: Thank you.
6 The next panel. Now, again, I apologize for having
7 to put everyone on a clock, but as you can see we're
8 standing room only even in the rafters, and if the
9 Admin could leave someone behind to listen, that
10 would be awesome. Thank you, but we do have to keep
11 this on a 4-minute clock. [background comments,
12 pause] Okay, so we're going to have a big—we're
13 going to try to keep as many people on the panel as
14 we can. So, we're going to have Pizza Cora, New York
15 Communities for Change; Rachel Rivera, New York
16 Communities for Change; Patrick Houston, Cynthia
17 Norris. You can all step forward when you're called.
18 Also, Cecil [background comment] Scheib from New York
19 University and Lisa Dicaprio from Sierra Club, and we
20 are going to have to put everyone on a 4-minute clock
21 to keep things moving today. [pause]

22 CHAIRPERSON CONSTANTINIDES: Alright so.
23 Alright. You guys want to start there. Everybody on
24 the clock? Alright so Cecil we'll begin with you,
25 sir.

2 CECIL SCHEIB: My name is Cecil Scheib.
3 I'm the Chief Sustainability Officer at New York
4 University, and NYU has a lot of buildings. In fact,
5 based on the information we've heard today, there are
6 roughly about 1% of the buildings that would be
7 affected with the NYU. So, we have a—we have a stake
8 in this legislation. We're very committed to
9 reducing our carbon emissions and, in fact, more of
10 our carbon emissions come from buildings than from
11 the city as a whole. It's upwards of 90% of our
12 emissions come from buildings and, in fact, since we
13 joined the city's carbon challenge in 2007, we have
14 cut our carbon emissions by over 30%. We believe
15 this is not just because of our role in fighting
16 global climate change, but because it's good for our
17 community to reduce those pollutants, to reduce that
18 particulates, and we also believe that the role of
19 the health of the people inside our buildings is
20 normally undercounted and under-mentioned. The same
21 things we do to get people better indoor air quality,
22 which we know helps how they think. It helps with
23 them having function. It's the same things we do to
24 cut our carbon use. We're going to plug up the holes
25 in our walls that stop air, we just heated the cold

1 from leaking right back out. Our savings are big.
2 Our 30% carbon savings is the equivalent of planting
3 all of Manhattan and all of Brooklyn in forests.
4 That's how much carbon we save, and we're currently
5 on track for 50% cuts from our baseline by 2025 and
6 carbon neutrality by 2040. We've shown that
7 individual buildings can make big differences. As an
8 example, we did a retrofit of a student residence at
9 Broadway and East 10th Street, but after the
10 retrofit, went from heavy fuel oil, dirty gas, ready
11 to go 100% electric or ready for the clean and green
12 future. It cut its use of fuels for heating by 81%.
13 Not 8%, not 18%, 81%. This is not a passive house
14 project, run-of-the-mill engineering project. It did
15 not set any particular carbon goal or energy goal. I
16 just make the better. That's what we got, 80% cut-
17 and the building started at about average. It wasn't
18 a big waster. So, we know that these cuts are
19 possible and the heart of the bill I think is picking
20 the right metrics, what are the numbers for the
21 different occupancy groups? How are those split so
22 the bill is both impactful, but also reasonable for
23 the different types of buildings within each
24 occupancy group? NYU has a long history of working

2 with the city on doing data analysis on those
3 numbers. We've helped the city write its Building
4 Energy Reports for many years. We stand ready to
5 help on that if there is further analysis needed as
6 this bill develops. We'd like to help. We also have
7 done a lot of work on climate policy both from energy
8 savings, but also a Climate Justice perspective, and
9 we stand ready to help on that any type of analysis
10 that we can do to help. We'd love to engage with the
11 city. We believe we've shown this is possible, and
12 we're getting ready to do our 100 plus buildings.
13 The last thing I'll say is that we think this is good
14 business. Every owner is different, but our
15 experiences we've shown 1 to 4-year paybacks on the
16 items that got us the 30% savings. Most of those
17 savings were before our new Cogen Plan. So, we think
18 we've got the business. We're doing the right thing
19 for our community. We're doing the right thing for
20 the people inside our community and we're doing the
21 right thing for the city and the planet. Thank you
22 very much.

23 CHAIRPERSON CONSTANTINIDES: Thank you.
24 Susan. I'll ask questions at the end of the panel.
25 I'll just keep things moving. Go ahead.

2 CYNTHIA NORRIS: How you doing? My name
3 is Cynthia and I'm also with NYCC, New York
4 Communities for Change. I have asthma, and it's a
5 serious health condition. I've been using an inhaler
6 and I can't breathe properly, right. I don't know if
7 you ever had an asthma attack. Well, I'm going to
8 tell you it's scary as hell. So, you can't get
9 enough air into your lungs. You pray that you will
10 survive. The pollution getting pumped into the air
11 by the city buildings is a big problem for me. It's
12 not only reason I have—not the only reason that I
13 have asthma, but cutting fossil fuels will you help
14 clean the air, and cut a small—my asthma is also
15 worse when I—worse when I have days when the smoke
16 get worse. It's those days when the air gets so
17 thick even when people with—without a condition could
18 feel it. It's worse for me. Climate change mean
19 many more hot days for New York City. If New York
20 City and other places well why don't pass laws like
21 this. The scientists tell us that New York City has
22 about 20 of a year over 90 degree heat. By 2050 they
23 project that it will go up to about 55 days per year
24 two whole months is miserable and sickly with very
25 hot weather for me within the summertime. It's like

2 you barely can breathe. You're in and out of work.
3 You know, your child is out of school because you
4 can't take him to school, and those are horrible days
5 from me, and I'm not sure if you guys can relate but
6 like if you miss too many days then what are you
7 going to do, right? It's a real health threat to me
8 basically, and this legislation will help stop it. I
9 also want to say that climate change is already
10 hitting low-income communities of color for the
11 worst. We can't afford to run air conditioners all
12 day. We don't have the money to just to pay for
13 everything is new—that when something new hit like
14 Sandy. I don't want to think about how much worse
15 this will be within 5 or 10 feet of sea level rising,
16 and the heat is so much worse. You know, we deal
17 with the racists and the economic of the system every
18 day. Climate change put us in a bad place.

19 CHAIRPERSON CONSTANTINIDES: Alright.

20 CYNTHIA NORRIS: Thank you.

21 CHAIRPERSON CONSTANTINIDES: Thank you,
22 Cynthia. Thank you.

23 PATRICK HOUSTON: Hi everyone. My name
24 is Patrick Houston. Today I'm going to be testifying
25 on behalf of one of our members Rachel Rivera. She's

2 a mother. She couldn't make it today because her
3 babysitter didn't show up. So, I'll be reading her
4 testimony.

5 CHAIRPERSON CONSTANTINIDES: So, I
6 understand it.

7 PATRICK HOUSTON: My name is Rachel
8 Rivera. I'm a Board Member of New York Communities
9 for Change. We are a community organization which
10 promotes economic, racial and climate justice. We are
11 thrilled with this legislation. We want to thank
12 Chair Constantinides. We want to thank Speaker
13 Johnson, and all of the co-sponsors and the
14 supporters in the City Council. It's simple: Unless
15 the world radically slashes climate pollution, New
16 York City will cook while slowly slipping under
17 water and drowning while we get hit by extreme
18 weather such as hurricanes, heatwaves, intense rain
19 and flooding. I can tell you the consequences first
20 hand. I was in my apartment with my little daughter
21 during Sandy. She was sleeping when I heard a loud
22 crack on the roof. I grabbed her out of her bed and
23 ran after the—and right after that, the roof came
24 down onto her bed. We ran out into the night with
25 nothing. We spent time in an emergency shelter. We

1 were homeless. My daughter still has nightmares and
2 serious anxiety problems stemming from the storm. She
3 often becomes hysterical when it rains, and she's
4 been hospitalized as a result. My family lives in
5 Puerto Rico. During Maria, my mother and aunt's
6 homes were flooded, and they lost everything. A
7 close family friend was killed by Hurricane Maria.
8 These climate disasters are fueled by the pollution
9 this city's buildings--that pump out of the city's
10 buildings every single day. New York City gives off
11 about 50 million metric tons of climate pollution
12 each year. About 70% of that comes from our
13 buildings. About half of that comes from the
14 buildings covered by this bill. Those are just 2% of
15 the city's real estate, which is about 5% of
16 buildings, but it's that much pollution. Donald
17 Trump's building Trump Tower is one of the most
18 inefficient buildings in the city. So is Kushner's
19 666 Fifth Avenue. So is the building our Pencil
20 Tower, 157-157. So, is 15 Central Park West where
21 Goldman Sachs' CEO lives? These super luxury
22 buildings are super polluters. It's time they
23 cleaned up their acts along with every large building
24 in this city. My family's experience is living proof
25

2 of the damage of climate change. The climate crisis
3 is here now. New York City cannot survive on the
4 world's current path of climate pollution, and it
5 can't survive with pollution cuts less than this bill
6 would set into law. That's why we are so happy to
7 see this legislation that doesn't just tinker around
8 the issue. It sets pollution cuts at the needed
9 level. That's what the scientists tell us is needed.
10 That's what needs to be done period. Thank you.

11 CHAIRPERSON CONSTANTINIDES: Please thank
12 Ms. Rivera for her—her statement and—and we
13 completely understand why she couldn't be here today,
14 but just let her know how powerful her words are and
15 how much we empathize and recognize that we need to
16 do better. So please thank her for it.

17 PATRICK HOUSTON: Thank you. We'll
18 share that with her.

19 CHAIRPERSON CONSTANTINIDES: Pete.

20 PETE SIKORA: [off mic] Thank you so
21 much. [on mic] My name is Pete Sikora. Thanks
22 Council Member and Council Members. My name is Pete
23 Sikora and I'm also with New York Communities for
24 Change. New York Communities for Change is also a
25 member of the Climate Works for All Coalition, which

has pushed for this type of legislation. [coughing]

Thank you for doing this. It's also extremely

exciting to see the Administration up here testifying

full throated and in support of this legislation. We

greatly appreciate that. Intro 1253 is a green new

deal for New York City. It creates thousands of good

jobs each year to clean up our city, slashing

pollution from large buildings by over 80%. It will

also not cause rent hikes in rent regulated housing.

Specifically, Intro 1253 will cut climate pollution

by about 40% by 2030 if all the covered buildings

comply. It will reach over 80% cuts by 2050 in

combination with the greening electric grid. These

cuts start in 2022 for the most inefficient polluting

buildings. These pollution cuts are at that speed

and depth of the Paris Agreement, which the city is

committed to achieving in its statements and in law.

It tracks with the United Nations' IPCC Report. It

also follows city law to slash pollution over 80% by

2050. It makes real the Bloomberg Administration's

PlanNYC and the de Blasio Administration's OneNYC

Plan, which both acknowledge the need for cutting

pollution at this level, but did not specify any new

legislation requirements. Brad-Council Member Lander

1 alluded to years ago an attempt to do this. Now,
2 we're getting it done. Hats off to your leadership,
3 the Speaker's leadership, Council Member Costa
4 Constantinides, the Chair. This is a—this an
5 extraordinary moment. It's real. This law A Green
6 New Deal means thousands of good green jobs. Getting
7 buildings upgraded and cleaned up will take many
8 workers in design, renovation and construction. The
9 experts we work with estimate that this type of
10 legislation will create thousands of jobs each year.
11 Many of these jobs will be good union jobs hiring
12 from the city's communities of color. These are
13 career track positions that can support a family.
14 They are sustainable green jobs that won't go away
15 because this work will take decades and the work
16 can't be outsourced or sent offshore. This
17 legislation is also a worldwide model, a moment for
18 New York City to step up and lead the world. About
19 70% of climate pollution worldwide comes from cities.
20 The top source of many city's pollutions as in New
21 York is energy use in buildings. New York City is
22 now on the verge of leading the world by proposing
23 and passing the first comprehensive standards on big
24 buildings that will achieve the cuts needed to stave
25

1 off the worst of the climate crisis. It's not in my
2 remarks, but it's incredibly scary that no other city
3 is doing this. That underscores why New York City
4 needs act. We're the biggest. We're the best. We
5 should do it. With Trump in office, this legislation
6 rises to the challenge of the climate crisis where
7 the federal government is destroying the progress the
8 world needs at the exact moment when there's no time
9 left. The world will be watching this bill. The
10 world cities will see New York's action. It will be
11 a model for bold action worldwide, but it is at the
12 scale of the climate crisis, and also creates many
13 good jobs. It truly is a green new deal for New York
14 City. I can answer any questions you have on our
15 views in particular on the impact on rent regulation.
16 Two quick notes on that: (1) We agree with the Urban
17 Green Council's recommendations on rent regulation.
18 This bill is extraordinary. You can slightly improve
19 it by adopting those recommendations. (2) We think
20 you should have audits added in. Landlords routinely
21 commit and routinely—Landlords sometimes will commit
22 fraud in paperwork to New York City, and there should
23 be an auditing process directed to the bill-office to
24 make sure that doesn't happen here. Thank you. My
25

2 other comments and suggestions are in the written
3 testimony. Thank you so much.

4 CHAIRPERSON CONSTANTINIDES: Thank you.
5 Lisa.

6 LISA DICAPRIO: My name is Lisa Dicaprio.
7 I am a Professor of Social Sciences at NYU. I teach
8 courses on sustainability. I am also the
9 Conservation Chair of the Sierra Club New York City
10 group. The Sierra Club supports Intro 1253-2018,
11 which would establish and Office of Building Energy
12 Performance and mandate energy efficiencies for
13 buildings over 25,000 square feet. This bill as
14 Council Member Brad Lander pointed out, implicitly
15 acknowledges that Local Law 87, which covers
16 buildings over 50,000 square foot and only requires
17 retro commissioning rather than retro fitting every
18 ten years has failed to achieve the anticipated
19 reductions of greenhouse gas emissions. Moreover,
20 most of the reductions have resulted from conversions
21 of electricity sources to natural gas. By contrast,
22 the goal of Intro 1253-2018 is to reduce greenhouse
23 gas emissions from covered buildings by 40% by 2030,
24 and 80% by 2050. This bill is necessary if New York
25 City is to achieve and 80% by 2050 reduction in

1 greenhouse gas emissions as mandated by law. This
2 bill is also feasible and its successful
3 implementation can be ensured by the collective
4 efforts of engineers, architects, the construction
5 trades and building owners as well as supervisory and
6 maintenance personnel. I also would like to thank
7 NYU for all its initiatives where I teach, and for
8 the model that it is setting for New York City. In
9 support of Intro 1253-2018, the Sierra Club is
10 providing recommendations with reference to the
11 following sections of the bill, which I have
12 indicated in bold in my written statement, which is
13 more extensive than my comments today. On page 7
14 Definitions: Covered buildings should not include
15 rent regulated accommodations. To prevent the
16 imposition of a MCI, this building only requires
17 retro commissioning for buildings with rent regulated
18 apartments. To allow for these buildings to be
19 retrofitted in the future, advocates for the renewal
20 of the Rent Stabilization Law and next year's New
21 York State Legislation session should propose the
22 elimination of the MCI for specified energy
23 efficiency initiatives because residential building
24 owners benefit financially from the reduction of heir
25

2 operating expenses. Page 10, Building Emissions
3 Limits 2022 to 2023. All owners of buildings covered
4 by this legislation should be required to install
5 motion sensors, which we have at NYU. Exempting the
6 means of egress during this first phase lighting up
7 empty offices wastes energy, and at night contributes
8 to light pollution, which is a growing global crisis.
9 Page 10: Outreach and Education. The Outreach and
10 Education materials prepared by the proposed Office
11 of Building Energy Performance should include a
12 handbook that provides information on financing
13 options such as the sustainable energy loans proposed
14 in Intro 1252-2018, the rate of return on
15 investments, the websites for the New York City Solar
16 Map and the online Geothermal Screening Tool that
17 identifies New York City buildings with geothermal
18 potential, which is the result of a bill introduced
19 by Chair Costa Constantinides, which is now available
20 online. Anyone can see if their building has
21 geothermal potential. This handbook should also
22 include information on ESCOs that supply electricity
23 from all renewable sources and passive house
24 retrofits. Passive House is an international
25 building efficiency standard that saves up to 90% of

1 the energy required for heating and cooling
2 convention of buildings and 75% of all energy usage
3 when electricity is included in the total, and in my
4 statement I also included an attachment for a report,
5 Building and by the Building exchange called pursuing
6 Passive House strategies for high comfort, low energy
7 retrofit in New York City. Just two more points.
8 The handbook for building owners should also include
9 information they can provide to building occupants on
10 to reduce their personal consumption of energy, and
11 for future legislation, I would propose that we
12 "mandate" the successful completion of the Green
13 Super Training Program for all building supers, which
14 is currently only voluntary and a new City Council
15 bill to mandate energy efficiencies for the 800,000
16 buildings in New City that are 1 to 4 units. These
17 buildings, which are responsible for about half of
18 all greenhouse gas emissions from buildings in New
19 York City are currently exempted from energy
20 efficiency requirements, and finally on a collective
21 and individual basis, we all have a responsibility to
22 reduce greenhouse gas emissions as our city's future
23 depends on the transition to a new green economy.
24 Thank you.

2 CHAIRPERSON CONSTANTINIDES: Ms. Norris,
3 we just wanted to thank you for your testimony today,
4 and the story that you tell, the city and we-we're
5 talking about the biggest emissions reduction policy
6 in the history of any city, and that's a big deal. I
7 mean we all think about climate change, which is
8 huge, but the air quality benefits and what it means
9 for health of New Yorker and beyond is extremely
10 important, and as a son who has asthma and I've
11 detailed—I've outlined his regime every morning in
12 the past, you know, we know that 4,000 kids every
13 year are hospitalized due to asthma. So, we know how
14 important it is to not only fight climate change on
15 the big picture level, but when we reduce fossil fuel
16 usages you talked about, we have cleaner air, and all
17 of us can breathe easier. So, I—I really appreciate
18 your testimony, and thank you for it, and so-so, I
19 just want to quickly say we've know each other a long
20 time. What is the benefit to the students, right?
21 So, you're doing all these great things, a lot of
22 them. How are the students that are looking at this
23 gives an opportunity, a teaching moment as well,
24 right to—to inform the future leaders of what can be
25 accomplished when we put our minds together, right?

2 LISA DICAPRIO: Practically.

3 PETE SIKORA: I think there are a couple
4 of different benefits for students, one as you said,
5 you know, it's a teaching moment. So, it's not just
6 what they do all-while they're at NYU as they take
7 this and they go with them, and they go out into the
8 world.

9 CHAIRPERSON CONSTANTINIDES: When I take
10 Lisa's classes, which I'm sure are amazing-

11 PETE SIKORA: [interposing] Exactly.

12 CHAIRPERSON CONSTANTINIDES: [laughs]

13 PETE SIKORA: And the spread it, but I
14 also think, again, I think the benefits of this type
15 of building, low energy buildings are often
16 understated. Our students live on Broadway, they live
17 on 14th Street, they live on Third Avenue, they live
18 on Union Square, they live in Downtown Brooklyn.
19 Very noisy places. When you replace an old leaky
20 single-pane window with a brand new well-air sealing
21 window, you not only dramatically cut, you know, the
22 energy and the carbon, you give students a quiet
23 place that they can sleep or they can study. What is
24 the value to NYU of a student who does better on
25 their mid-terms because they are well rested? Let's

2 value that, and let's say, and the energy savings are
3 going to pay for it, and we're going to meet our
4 carbon goals. Let's turn that whole equation on its
5 head.

6 CHAIRPERSON CONSTANTINIDES: Thank you
7 for that, and we definitely look forward to working
8 with all of you, and—and Pete, thank you for the
9 great work that you're doing. We definitely
10 appreciate it. So, I know I—my colleague Brad Lander
11 has a few quick questions.

12 COUNCIL MEMBER LANDER: So, just two
13 questions. Thank you, Mr. Chair. First, I just want
14 to make sure I—I got the stat right that you said at
15 the end of your testimony about NYU's experience. So
16 over the past how many years you've reduced—you've
17 reduced NYU's emissions by 30% and most of those
18 changes had one to four-year payback. I just—

19 LISA DICAPRIO: Thank you.

20 COUNCIL MEMBER LANDER: I want to make
21 sure I get it right.

22 CECIL SCHEIB: Yes. So between 2007 and
23 2012, we reduced our emissions by just about 30% that
24 we spent about \$11 million over that five-year
25 period, and we saved about \$30 million in energy

1 costs and the net over the five years of energy
2 savings was a structural \$15 million reduction in our
3 annual energy budget. So, \$15 million a year,
4 stopped going to oil companies. Instead is going to
5 find our academic mission. We believe to keep this
6 going and to get even deeper reductions, it's
7 important that the law not regulate each building
8 individually. I have 100 buildings to bring into
9 compliance. Many of them may be, but rather than
10 force each building individually, and sort of kick
11 off a few low-hanging fruit on top, it will be much
12 better if the buildings are grouped through some sort
13 of scheme like a trading scheme which is mentioned in
14 the bill that will let me focus our efforts on deep
15 energy reductions as each building comes up for its
16 capital cycle. And these energy reductions, the-
17 well, the savings from energy will fund the marginal
18 cost of taking a building retrofit and making it a
19 deep energy retrofit, but the energy savings will not
20 fund taking a building we weren't otherwise going to
21 touch, and cutting its energy use by 80%. I have to
22 wait until we're going to do the capital project
23 there anyway. Go giving owners flexibility through
24

2 that scheme for trading is very important I think to
3 the-to the overall success of this bill.

4 COUNCIL MEMBER LANDER: So, it looks like
5 Mr. Sikora has something to add here, but I guess I
6 just want to underline the point more broadly about
7 the savings you've achieved. You know, I think it is
8 important for-to help educated building owners to
9 understand that what we're trying to do here is
10 something that will actually save them a lot of money
11 as well, an then-then especially as we turn to these
12 issues of multi-family buildings that, you know,
13 what-the-the-this MCI issue is critical in part
14 because we're talking about a set of changes, which
15 will actually save multi-family owners meaningful
16 money. So the unfairness of passing those costs
17 along to tenants, if there were to happen, you know,
18 because we weren't able to achieve either here in
19 Albany the changes we need even as they're about to
20 save a lot of money is unnecessary and unfair. So, I
21 appreciate the points you've made. Pete, did you have
22 something to add there?

23 PETER SIKORA: Yeah, just quickly. Us
24 energy efficiency nerds get really into the details
25 here. We very much appreciate that there's a study

2 for trading in this bill. I think that's a great
3 idea. It's important that that be premised on
4 environmental justice considerations so that it does
5 not actually overburden any result out of that,
6 lowering communities of color in particular, but in
7 principle, we think that trading could, in fact,
8 work. The devil is in the details. We very much
9 urge you to look at this in details as that study
10 goes forward. It could, in fact, help to finance
11 these improvements, make them more cost-effective and
12 improve conditions particularly low-income
13 communities of color as well.

14 COUNCIL MEMBER LANDER: That's great and
15 you may have mentioned this, Mr. Chair--because I
16 know it's very important to you--in your opening
17 statement, but distinguishing between those things,
18 which will have a localized benefit around
19 particulates and emissions in neighborhoods, and
20 those things, which are overall carbon footprint
21 reductions whose benefits may be less particularized,
22 you know, as an important issue here, and those
23 things which are achieving broad energy reduction can
24 be moved around. Those things, which are achieving
25 particulate and neighborhood and health reductions

2 obviously need to be focused in the places where
3 they're necessary, and not traded away out of those--
4 out of those--

5 CHAIRPERSON CONSTANTINIDES: [interposing]
6 I wholeheartedly agree. I think that we want to
7 encourage all buildings to be as efficient as
8 possible, and--but we definitely want to make sure
9 that Fifth Avenue isn't cleaner than our
10 neighborhoods where Environmental Justice communities
11 have been over-burdened over time. So, that-that
12 balance and striking that right balance is we're
13 going to stand up to make sure that Environmental
14 Justice communities aren't overburdened with really a
15 tale of two cities.

16 COUNCIL MEMBER LANDER: And then my other
17 question for the panel--let me just ask my last
18 question, and then--this relates to your testimony as
19 well. You know, this bill has structures I think a
20 smart work-around of the existing MCI Law. We are
21 stuck with the law that's there, and I think the--the
22 bill is a smart way of approaching given that law. I
23 appreciate your point that a better fix would be to
24 fix the State Rent Regulation law and--and, you know,
25 make it so that you couldn't get a major capital

2 improvement for something that actually is going to
3 save you money anyway, even as you're complying with
4 this, but-but I want to make sure that-I just want to
5 ask if the rest of you agree with that that if we
6 were to be successful in Albany and changing the law
7 so that you could not get an MCI for this work, then
8 we would want multi-family buildings to achieve the
9 targets that are in this bill directly and in shorter
10 order you-you generally do.

11 PETE SIKORA: That's exactly right and I
12 know other tenant organizations also agree with that
13 analysis. We look forward to the session coming up.
14 We want to make Albany's rent laws fair. The city
15 has an affordable housing crisis. One in 10 school
16 kids is homeless throughout the school year because
17 they-their family cannot afford to live here. There
18 are 70,000 people in shelters each night, 25,000
19 kids. It's unconscionable. So, we can't do anything
20 or you should not do anything to worse that crisis,
21 but the state next year should change the laws and
22 with comprehensive reform and thing that we call
23 universal rent control, if that passes then this
24 Council should immediately amend this legislation to

2 include rent regulated buildings on parity with any
3 other building.

4 LISA DICAPRIO: Just to the point of the
5 MCI note in terms of the renovations in my own
6 building, the conversion from a steam heat system to
7 a hot water system, which will save energy will only
8 have a 5 to 6-year payback period. I just want to
9 conclude with one more point, which is that we should
10 look forward to eventually requiring all buildings in
11 New York City and not just New York City owned
12 buildings to transition to fossil free electricity,
13 heating and cooling of hot water systems. So, I hope
14 that that will also be a consideration of the City
15 Council for future initiatives.

16 COUNCIL MEMBER LANDER: Agreed. Thank
17 you. Alright, thanks. That's all--those are all my
18 questions for this panel.

19 COUNCIL MEMBER LEVIN: Hi, as you all
20 know, I'm not Costa Constantinides. I'm filling in
21 for a couple of minutes while he's next door checking
22 in on Transportation. Do any colleagues have
23 questions for this panel? Okay. Seeing none, I want
24 to thank you all very much for all of your work on
25 this legislation working with this committee and the

2 Council and we look forward to continue to work with
3 you in the months and weeks ahead. [coughs] The next
4 panel is: John Mandyck from the Urban Green Council;
5 Petra Luna from Make the Road New York; Stephan Edel
6 from New York Working Families; Bret Thomason for
7 ALIGN; Adrianna Espinosa from New York League of
8 Conservation Voters; and Isabel Silverman from the
9 Environmental Defense Fund. [background comments,
10 pause]

11 SERGEANT-AT-ARMS: Folks, I ask that you
12 remain quiet. Thank you.

13 CHAIRPERSON CONSTANTINIDES: Thank you,
14 Council Member Levin for stepping in for a moment.
15 Much obliged. So, I guess we'll begin on this side
16 of the table here. Ms. Luna.

17 PETRA LUNA: Good morning, everybody. My
18 name is Petra Luna. Thank you for the time.
19 [Speaking Spanish]

20 CHAIRPERSON CONSTANTINIDES: Thank you.

21 ADRIANNA ESPINOSA: Good morning. My
22 name is Adrianna Espinosa. I'm the Director of the
23 New York City Program at the New York League of
24 Conservation Voters. I'd like to thank Chair
25 Constantinides for the opportunity to testify here

1 today regarding Intros 1252 and 1253. The time to
2 act on climate is now. We must make radical changes
3 in short order in order to avoid catastrophic climate
4 change and reducing emissions from buildings is the
5 single most significant step that the city can take
6 to establish--in establishing enforceable building
7 emissions. Targets will help ensure that the
8 resident and commercial sectors do their part to
9 fight climate change and for that reason NYLCV
10 applauds the City Council for taking up this issue.
11 Other municipalities will look to us to replicate
12 their own policies on energy efficiency in buildings,
13 and we urge the Council to be thorough and
14 deliberative in what NYLCV sees as the most
15 significant piece of environment policy taken up by
16 the City of New York in many years. Intro 1253 is a
17 great start. The framework of the bill is solid and
18 we especially appreciate the inclusion of a back stop
19 to reach productions of 40 x 30. NYLCV also strongly
20 supports Intro 1252, which establishes a PACE program
21 to provide much needed assistance to finance energy
22 efficiency retrofits and other clean energy upgrades.
23 It is imperative that both these bill pass of the
24 package. We respectfully submit the following
25

1 comments and recommendations to the bill to ensure
2 1253. While we need aggressive action, it's unclear
3 whether the first compliance deadline is technically
4 feasible as currently written, and the metric used is
5 flawed. I don't think it's—it doesn't take into
6 account building usage or occupancy, and further,
7 since the deadlines—future deadlines in the bill will
8 use a New York City specific metric that doesn't
9 currently exist, it would be overly complicated and
10 burdensome for building owners to be required to
11 reduce energy using of the buildings' emission
12 intensity for 22—for 2022 to 2023, and then a
13 completely separate metric from 2029 to 2050.
14 Instead of requiring all buildings to meet an
15 absolute target, the early deadline should target the
16 worst polluters. For example, the worst 10% of
17 performers should, as determined by benchmarking from
18 Local Law 87 should be required to reduce energy use
19 by an established percentage, and also given that
20 benchmarking for buildings 25,000 to 50,000 square
21 foot will not begin until this bill passes, those
22 buildings should be on a different timeline than
23 those who have based lines long established by Local
24 Law 87. We also show the concern of others over
25

1 Intro 1253 as exemptions for all buildings with at
2 least one rent regulated unit, and at the same time
3 we understand that achieving these goals should not
4 exacerbate the affordable housing crisis in New York
5 City. Any framework that includes rent regulated
6 housing should protect against displacement. While
7 we are fully supportive of the bills expansion of
8 Local Law 87, it is clear from buildings already
9 subject to this law that this alone does not—will not
10 lead to significant adoption of energy efficiency
11 measures. As mentioned earlier, it's more tinkering
12 with systems and energy audits, and by some estimates
13 the exclusion of rent regulated buildings will leave
14 over a third of all greenhouse gas emissions from
15 buildings over 25,000 square foot unaddressed. More
16 importantly, just as we cannot make these upgrades on
17 the backs of low-income New Yorkers, we also cannot
18 leave these tenants behind. It is likely that these
19 buildings and the New Yorkers that live in them are
20 those that could benefit the most from energy
21 efficiency upgrades. Given these concerns, NYLCV
22 recommends that rent regulated buildings that meet
23 the early compliance criteria be required to
24 implement the prescriptive measures developed by the
25

2 Urban Green 80 x 50 Buildings Partnership. These
3 low-cost upgrades should be included in the bill
4 explicitly as the research and analysis by the
5 partnership has determined they will not trigger NCI
6 rent increases. Finally, the City Council should
7 take every opportunity to capitalize on the Green
8 Jobs potential of these bills. In addition to the
9 outreach and education for building owners, outreach
10 and training opportunities for design professionals
11 [bell] and building and maintenance operation staff
12 should be included as they're the ones tinkering with
13 the systems and can maximize energy savings. Thank
14 you again for your time.

15 CHAIRPERSON CONSTANTINIDES: Thank you,
16 Adrianna. Next.

17 BRETT THOMASON: Thank you. My name is
18 Brett Thomason. I work for ALIGN, the Alliance for a
19 Greater New York, and I coordinate our Climate Works
20 for All Coalition. We represent environmental
21 groups, climate justice allies, labor unions, and
22 we've been collective advocating for over four years
23 for a policy like this. As has been said by many
24 others, this is an attempt to address the city's
25 largest source of pollution, and we think it's way

2 past time that—that we tackle that. There's no
3 question that we know how to make these improvements
4 and upgrades in buildings. Far too many New Yorkers
5 who suffer through heatwaves in the hot summer
6 apartments under inefficient AC units. Many of us
7 now have our windows open in the middle of the winter
8 because we have over-heated apartments. It's—it's
9 time for buildings to put in the necessary work, to
10 put in proper temperature controls, modern boilers,
11 insulated pipes, new windows, insulated walls, all
12 the things that—that folks have stressed her that can
13 make apartments more livable, and more importantly
14 can clean our air, and confront the climate crisis.
15 We really are supportive of this legislation's early
16 timeline in particular the—the effort to attack the
17 lowest hanging fruit in terms of the buildings that
18 haven't done any upgrades of modernizations or gone
19 too long in doing this. We think that that will have
20 immediate and profound implications both for air
21 quality and pollution reduction, and really be a big
22 step for the people who live and work in those
23 buildings and live around them. I also want to
24 highlight that this legislation was not only good for
25 the climate and good for our environment, it's also a

2 huge win for the building and construction sector.
3 Many of our coalition partners are labor unions that
4 represent the hard working women and men in the
5 construction industry, and a mandate like this to-to
6 reduce pollution from buildings means thousands of
7 high paying jobs for those folks every year between
8 now and 2050. These are the kinds-kinds-this a kind
9 of investment in good green jobs that we talk about
10 when we talk about addressing the climate crisis and
11 we think it's a really important aspect to this bill.
12 Finally, a word about housing and affordability, this
13 legislation takes careful steps to ensure that
14 tenants and in rent regulated housing do not have the
15 cost of upgrades and improvements passed onto them in
16 the form of MCIs. We know that rent law is set in
17 Albany so we have little control here in the city.
18 Many of our partners, as they have said, will be
19 looking to reform that rent law up in the-the coming
20 legislative session, but until that time comes, it's
21 really important this Council keeps buildings with
22 rent regulated housing on a separate compliance path
23 so those costs aren't passed on. We don't want to see
24 climate legislation pitted against affordability, and
25 that's already one of the most expensive cities in

2 the U.S. where homelessness, wrongful eviction and
3 rent burden are already rampant. We view this as a
4 temporary solution until state law changes or until
5 the city allocates some of its budget for energy
6 efficiency in those buildings. However, I'd be
7 remiss if I didn't point out that our organization
8 and many others in this room work with the Urban
9 Green Council to put forth a recommendation by which
10 those buildings could see some moderate energy
11 efficiency improvements in the form of low-cost/no-
12 cost upgrades that-that would trigger MCIs, but we're
13 supportive of any bill that doesn't trigger MCIs
14 including 1253. We would prefer to see that Urban
15 Green's approach be used so that we're getting some
16 improvement in those buildings. So, in closing, this
17 bill would represent ground breaking landmark
18 legislation just like others have said. We're
19 supportive of it because it dramatically reduces
20 pollution at a pace and scale that the current
21 climate crisis requires while creating thousands of
22 jobs and protecting tenants. Thank you. I'll submit
23 other testimony in writing.

24 CHAIRPERSON CONSTANTINIDES: Thank you
25 very much. Thank you. Stephan.

2 STEPHAN ADEL: Hi. My name is Stephan
3 Adel. I'm pleased to offer testimony on behalf of
4 New York Working Families, and I thank the Council,
5 the Committee and Chairman Constantinides for the
6 opportunity to testify today. This is an issue that
7 will impact not just us right now, but our children
8 and our grandchildren. We know that this is not just
9 a crisis, but an opportunity, and many people have
10 spoken today about the issues that--that are
11 challenges with this bill. It's hard work. I'm going
12 to flag and discuss a few issues that I think are
13 really important, and I go into more detail on both
14 bills, 17-1252 and 1253 in my written testimony. We
15 know that this is a huge problem and that many, many
16 buildings will need to improve efficiency. I want
17 after listening to the comments today to just steer
18 away from what I had written previously, just to say
19 none of us are advocating not doing energy efficiency
20 in rent regulated buildings, just as no one is
21 advocating not doing rent regulation in cooperatives
22 or non-profits or in one 1 to 4-family homes any of
23 the units in any of the sectors that are
24 significantly challenged. What many of us are
25 arguing for today is an approach that we're

2 accepting, and I ask all of use to ask why we're
3 accepting that we are not included in 1 to 4-family
4 homes like the unit I live in. We're not including
5 many other sectors, but we are fighting about whether
6 those most at risk of displacement in our city should
7 be included. In the long run, it is clear the city
8 needs to do whatever is necessary to bring about
9 these emission reductions, but I hope that the
10 Council will aggressively move as they are doing to
11 pass this bill as written or with other measures
12 required for MCI protection, but that we not let that
13 fight slow down this process. We're going to have to
14 come back to other sectors, and we should do it for
15 this one. We are facing a housing crisis, we're
16 facing a jobs crisis. Many of us can put in numbers
17 how many jobs this will create. One of the
18 challenges that has been raised by industry is that
19 we're not going to be able to do all the work that's
20 needed in the first two years the way it's written.
21 That doesn't seem like a terrible problem to have to
22 me, right? Many New Yorkers need jobs. Let's put
23 them to work doing this work. The bill before us
24 after many, many years is a well crafted mandate. It
25 provides additional supports beyond simply the

2 mandate with the PACE financing approach, and I think
3 there's a lot more the city can do. I'll just make a
4 few comments beyond our general support. The mandate
5 as written is strong and sets us on a trajectory.

6 There will continue to be work to refine that
7 trajectory but we urge the Council not to consider
8 any bill that backs away from a trajectory as
9 aggressive as this one through 2030 and 2050. It
10 balances affordability, and that is vital in a city
11 where already tens of thousands are homeless, and far
12 more are housing insecure. No bill should—or can
13 advance in this city that doesn't take that into
14 consideration, and I know that's a key concern for
15 the Council. Many programs in the past have
16 struggled with enforcement and it's come up in the
17 questions and in the discussion already today. I am
18 concerned that in the bill that we need to really
19 think about whether the fines and the process are
20 stringent enough to ensure compliance. We've seen
21 problems with compliance in other programs. I'm also
22 concerned with the variances abroad and include terms
23 that are not defined. I'm concerned that the way the
24 bill is written doesn't require that the green power
25 be generated from reliable sources in New York State.

2 That should be in there, and it could be in there,
3 and I don't think anybody would oppose that. I also
4 am concerned that a variance for owners who are
5 prevented from earning a reasonable return is a
6 concern for me, right. I don't think the Council can
7 or should legislate what a reasonable return is and
8 it puts regulators who will come after them in a very
9 difficult position. So, a much more narrowly
10 tailored variance seems to me to be a much stronger
11 step that allows—avoids the problem of handing off to
12 the staff already [bell] overworked at DOB to
13 enforce. Thank you for your time.

14 CHAIRPERSON CONSTANTINIDES: Thank you
15 very much. John, I just want to first sat thank you
16 to the Urban Green Council for all the great work
17 that you guys have done, and I know Russell who can't
18 be here today, and Chris who I saw earlier, all of
19 your team put up a lot of work into bringing everyone
20 together, and to have the meetings and bringing
21 stakeholders from various places on the political
22 structure and into one room, and to have a meaningful
23 conversation and come up with a document that was
24 part of the skeleton to make this bill happen. So I

2 really make sure I thank Urban Green Council in a big
3 way before beginning your testimony.

4 JOHN MANDYCK: Right. Thank you, Mr.
5 Chair and then than you members of the committee for
6 being here today. Good morning. My name is John
7 Mandyck. I'm the CEO of the Urban Green Council, and
8 I'm pleased to deliver our testimony today, and as
9 you mentioned my colleague Russell Unger who many of
10 you have worked with is out of town. Otherwise, he
11 would be herd today with me. Urban Green is a non-
12 profit organization dedicated to transforming New
13 York City buildings for a sustainable future. The
14 blueprint for efficiency that you just mentioned that
15 we delivered to you earlier this fall represents the
16 best of Urban Green. In the course of eight months
17 and 85 meetings, 70 experts from 40 organizations
18 came together and arrived at 21 recommendations that
19 will deliver the largest carbon reduction in the
20 history of New York City through shared thinking.
21 That shared thinking is the essential ingredient that
22 has been missing in most climate policy debates, but
23 not here, not now. So, I want to thank the members
24 of the Buildings Partnership many that are on the
25 panel here today and in the room for all the work

2 that they did. I want to thank the Mayor who help
3 start this conversation, and I want to thank you, Mr.
4 Chair and the Speaker for your leadership on this
5 issue. It is clear to us that buildings are the
6 answer to our low carbon future, and we're grateful
7 that the bill before us represents many of the
8 elements of the blueprint, but as you can imagine,
9 Mr. Chair, we have more work to do. I refer you to
10 our written testimony for five concerns that we have
11 in the bill. I'm happy to get into them in-in
12 questions, if you like, but just covering them
13 quickly, first the early requirements we don't see
14 feasible in the present form, and secondly the back
15 stop we don't see feasible in the present form. That
16 doesn't mean that they can't work. [coughing] We
17 think that there are improvements that are needed in
18 those particular areas. Third, we think building
19 owners need support and flexibility. Fourth, we
20 think buildings with rent regulated units can't be
21 left behind and fifth, we think building energy
22 grades should await the new metric that we anticipate
23 in the bill. It's clear that this legislation is
24 critical to reaching our 80 x 50 mandate. There's no
25 question about that, but even when we get there, even

1 when we get there, New York Harbor will continue to
2 rise if other cities don't follow. For others to
3 follow we need public policies that work here in New
4 York and are exportable around the world. So drawing
5 on my prior experience working in 53 countries, I see
6 two policies in the blueprint that we presented that
7 stand out to scale potentially around the world.
8 First is the way that we propose to measure building
9 energy efficiency. We have to measure buildings
10 practically as they function just as the blueprint
11 proposes, and we think this is a recipe that can work
12 in other cities. Secondly is the proposal: The
13 Trade Energy Efficiency Credits among buildings. To
14 retrofit an unprecedented 50,000 buildings in just
15 ten years, we need flexible policies to do that, and
16 to unlock-unlock efficiencies in residential
17 buildings that we've been speaking about. We need
18 new sources of capital that trading can provide for
19 those properties. This is a framework that can work
20 globally. I just want to conclude by saying today's
21 legislation can't just be about 80 x 50. It
22 has to be about how we provide the policy tools that
23 work in New York, and the work far beyond New York.
24 Mr. Chair, that is our best shot for stemming the
25

2 rising tide in New York Harbor. We look forward to
3 working with you and the committee and the bill as
4 the process goes along. Thank you. [pause

5 I'm gong to read my testimony because it
6 would duplicative of what others have said. So, I
7 will speak freely.

8 CHAIRPERSON CONSTANTINIDES: Okay.

9 ISABEL SILVERMAN: And, which is my
10 favorite thing to do. So, my name is Isabel
11 Silverman. I'm a Senior Fellow at Environmental
12 Defense Fund. I wanted to thank Council Member
13 Constantinides, and other members for allowing us to
14 testify. Environmental Defense Fund is a large
15 environmental non-profit organization. So, let me
16 start out with we are in support of the three bills
17 today in terms of CPACE. We are submitting written
18 testimony today or tomorrow because it's a little
19 technical, and we have actually specialized the
20 issue, but I wouldn't have time to go into it.
21 Fifteen percent of greenhouse gas emission reductions
22 in the city since 2012. Let's not forget a lot of
23 this comes from switching from dirty heating oil to
24 green—and to natural gas. Natural gas is cleaner at
25 the smoke stack when you burn it, but if it's not

2 explored properly and in the process of transport,
3 there's a lot of methane leakage, which is very
4 potent greenhouse gas. So, let's not fool ourselves.
5 We have not had a lot of greenhouse gas emissions
6 since the Greener Greater Buildings Plan went into
7 effect. So, we really need this bill now. We all
8 agree the time to act is now, and I don't need to
9 repeat that. So, our first recommendation to change
10 the bill already and improve it a little bit to
11 actually have more greenhouse gas emission
12 reductions. It starts with the rent regulated
13 buildings. We have heard it now many times from—from
14 Communities for Change, Pete that these buildings
15 should not be left out of this very bill, and we have
16 brought some census on the Urban Green partnership
17 that came up with these prescriptive measures, and
18 you—you thought that those prescriptive measures from
19 Urban Green there are about 14 points were mostly
20 ameliorating (sic) Local Law 87. Yes, some of them
21 are but some of them are not, and that's why merely
22 putting them into the Local Law 87 bucket, which a
23 lot of rent regulated buildings already are because
24 they're over 50,000 square foot, is not going to be
25 enough until the law in Albany changes. These

2 measures that are recommended are, you know, are
3 measures that actually increase resident comfort. Of
4 course, it's when we talk about indoor temperature
5 sensors so buildings are not grossly overheated
6 leading to open windows, which lead to not being—even
7 being able to sleep. So, all these things, you know,
8 controlling their radiators. That is something that
9 the super can install. That's not overly expensive.
10 Mostly likely will not lead to an MCI. That's why
11 they're here. We're urging you to putting in the
12 Urban Green recommendations for these buildings, and
13 then also the deadline, the first deadline is very
14 soon and, of course, we heard people say it's too
15 soon. What EDF wants to urge you to do is drop it to
16 a percentage reduction. So, let's say by the first
17 deadline, buildings should reduce by 20% because then
18 you meet buildings where they are now. We have a
19 wide spread of where these buildings are with the
20 energy consumption. Once you get into the, you know,
21 board room, you know, the co-op and condo board
22 meeting where they actually say hey we have we have
23 to reduce some emissions, most likely they will even
24 go past what you require, and that's what you want
25 here. Because that's why clean heat is so

2 successful. It was mandated and the buildings had to
3 deal with it, and they actually went voluntarily
4 before, but it was not even required to go to natural
5 gas and No. 2 heating oil. They only had to go to 4,
6 but most of them went all the way voluntarily, but
7 because they were confronted with the issue. So,
8 track that to a percentage reduction, and then also
9 the variances. Yes, we agreed the variances are too
10 broad. Words like *reasonable return*, too broad. What
11 we don't want to have now firms popping up in the
12 city, that it would just, you know, apply for
13 variances and then all we do is do paperwork for
14 variances. We want this to be feasible. Minimum
15 penalties like the city pesticide, penalties that
16 actually make sense that's where it's, you know, more
17 expensive not to comply, and then I don't know, but
18 something simple, a maximum hot water temperature.
19 We have a minimum hot water temperature. Why
20 shouldn't it be a maximum one? Maybe I'm ignorant on
21 this, but that's something that can easily be done is
22 also safety measure and we save money. So, and then
23 the New York State Green Energy Source, we agree it
24 should be defined that the green energy comes from
25 New York State. Thank you, and then there—I—in our

2 written testimony there are some typos and drafting
3 errors.

4 CHAIRPERSON CONSTANTINIDES: I-I-would--

5 ISABEL SILVERMAN: [interposing] Only for
6 the bill.

7 CHAIRPERSON CONSTANTINIDES: I-I-I think
8 I've got the gist of what you've got. So, don't
9 worry about it. Don't worry about it.

10 ISABEL SILVERMAN: Thank you.

11 CHAIRPERSON CONSTANTINIDES: But I-I just
12 want to say that I definitely appreciate all the
13 different perspectives. I think we are--everyone on
14 this panel we're part of the UGC Report. I think we
15 all have a shared goal here. It's just a matter of
16 how we take that from ideas to odyssey right, and I
17 think that we are striving to do the best, you know,
18 the best that we could have possibly done with this
19 legislation, but it's effective and it's-it's
20 something that can actually be achievable. So, I
21 appreciate everyone's testimony. I will say that on
22 my particular--there--there won't be a bill without
23 backstop. What that backstop is I'm always willing
24 to hear testimony and talk, but I will say that at
25 the end of the day, I won't pass legislation that

2 doesn't have a guarantee that we're going to get
3 there because, you know, I-I—in the words of my
4 mentor Jim Jarret, I could have just written a song
5 and sat on the steps of City Hall and sung it rather
6 than get through what we actually need to do and we
7 need that action. So, we—I appreciate that—your
8 testimony, and we'll continue to have a dialogue. I
9 also want to recognize that we are joined by Council
10 Member Menchaca and Council Member Ulrich from
11 Brooklyn and Queens respectively. I know—Isabel, you
12 had something else to chime in?

13 ISABEL SILVERMAN: Yes, I'm sorry about
14 that. I forgot one thing. It's very important.
15 Forty percent of the multi-family square footage has
16 one or more units of rent regulated. So, 50% of the
17 multi-family square footage will be left out of this
18 bill, and like I live in a condo. We still have
19 about 20 units that are rent regulated. So, my whole
20 Upper West Side condo would have to do nothing right
21 now, and I think that's a shame.

22 CHAIRPERSON CONSTANTINIDES: I
23 understand. No, I mean we are looking to Albany here
24 to fix what has been a longstanding issue with MCIs
25 and it's time to change the MCI law. We just can't

2 afford to wait if Albany is not going to act. So,
3 when—in such time they do act, we plan on making sure
4 that the bill—the law will be amended and reflect
5 that but while we're waiting for them act, there are
6 things that we can do to make sure that rent
7 regulated apartments can be part of this sector and
8 be—and do that and we felt that the Retro
9 Commissioning Law was the best way to do that because
10 landlords understand it, but we're look—hear more
11 testimony and hear perspectives, and—and work to get
12 that done, but once Albany is—is fixing it, we will
13 move quickly. John, you had--?

14 JOHN MANDYCK: Yeah, maybe, Mr. Chair
15 just to comment on the backstop. The backstop will
16 be tremendous and more feasible if it's base on a
17 metric that makes sense, and so we would encourage
18 that as a big part of our effort here that we find a
19 way to measure buildings as they function not the way
20 we're measuring them today, which sometimes jus isn't
21 feasible.

22 CHAIRPERSON CONSTANTINIDES: Okay, well,
23 I hear you—I hear you. Okay, Adrianna.

24 ADRIANNA ESPINOSA: Just want to mention
25 that I agree with Stephan said about the variances

2 being too broad, and also about agreement and
3 resource is defined within the bill. I think we need
4 to use this as an opportunity to spur investment in
5 regional renewable energy, and so deliverable and
6 maybe instance on J (sic) or I don't know how you
7 write that into the policy, but we should be talking
8 about not Texas wind, but New York projects.

9 CHAIRPERSON CONSTANTINIDES: Yeah that
10 makes sense. I'm happy to hear it I look forward to
11 working with all of you in partnership. Thank you
12 all for the work that you've done thus far, and the
13 work that we continue to do together. Thank you.

14 JOHN MANDYCK: Thank you.

15 CHAIRPERSON CONSTANTINIDES: [pause]
16 Alright, so the next panel Carl Hum from REBNY, David
17 Cohen, 32BJ SEIU; Dominick Dicostanzo, NRDC; Jay Egg?
18 Egg from Egg Geothermal; and Bob Wyman representing
19 himself. [background comments, [pause] So, let's
20 begin on the right there. So, go ahead. [background
21 comments] Sir?

22 CARL HUM: Good morning, Mr. Chair and
23 members of the Committee. My name is Carl Hum, I am
24 General Counsel and Senior Vice President of the Real
25 Estate Board of New York. The intention here was to

1 have the panel consisting of REBNY, 32BJ and also
2 NRDC. (sic) We welcome our neighbors here on the
3 panel today, but I want to direct my comments to you
4 encompassing the shared views that our three
5 organizations have. Along with me is David Cohen, of
6 course, from 32BJ and Lindsay Robbins the NRDC. We
7 are delivering our joint testimony this morning
8 because our organizations recognize the profound
9 societal threat that climate change proposes. Our
10 organizations inspired by the Urban Green Council 80
11 x 50 buildings partnership had been working together
12 to create effective and sensible ways to achieve the
13 GHG reduction to fight climate change. New York City
14 has among the lowest GHG emissions per capita large
15 U.S. cities. The buildings and that means occupants
16 including commercial and residential tenants along
17 with base building operations are responsible for
18 two-thirds of the city's GHG emissions. It is
19 critical and logical to focus on dust (sic) in the
20 center, and our organization appreciate the Council's
21 leadership and specifically, Mr. Chair your
22 introduction of this bold legislation. We support
23 the Council's efforts, and look forward to working
24 with you. Energy efficiency and reducing energy
25

1 consumption in buildings is the best, fast and the
2 cheapest way to achieve greenhouse gas reduction
3 goals while also creating local jobs, reducing costs
4 and improving our buildings. We know this because
5 among our REBNY—REBNY's membership, our early
6 adopters are innovators of energy efficiency. These
7 include builders or the large passive house structure
8 and LEED Certified office towers in addition to
9 creator of real time building management systems that
10 have realized for 40% reductions in energy
11 consumption across portfolios. REBNY supports the
12 bill's intention to act quickly and with ambition,
13 but we also want to proceed wisely focusing on our
14 long-term goals while being cognizant on our short-
15 term realities. With an aim of reducing GHG
16 reductions, rather emissions, 40% below 2005 goals by
17 2030 and achieving at a minimum of 80% reduction by
18 2050, our organizations jointly offer suggestions to
19 improve the bill. Firstly, we appreciate the call
20 for the carbon training study. Such a program allows
21 owners to achieve emission limits or energy
22 performance targets most cost effectively without
23 sacrificing the city's GHG reduction goals and local
24 benefits derived from achieving them. However, like
25

1 most organizations that we've heard this morning, we
2 do have concerns about the initial compliance period
3 of 2022 to 2023. Capital Improvements needed to meet
4 the bill's initial targets require at a minimum two
5 years to be planned, financed, implemented and
6 assessed. There are 450 million square feet of
7 retrofits would need to be completed during this
8 initial period overwhelming the workforce and
9 building owners' ability to successfully implement
10 the required retrofits. In addition Local Law 84
11 benchmarking data is still being collected for
12 building that are 25,000 square foot and 50,000
13 square foot, and posing requirements for these
14 buildings prior to the assessment of their
15 benchmarking data is simply premature. Finally, the
16 allotment of greenhouse gas per square foot targets
17 among five categories of occupancy (sic) groups does
18 not take into account the very, very different types
19 of occupancies or the societal value. So, for
20 example, Grouping Occupancy Types B, I and N together
21 means that a 24/7 hospital needs to meet the same
22 threshold as lightly occupied office operating only
23 40 of 50 hours a week. REBNY shares its concerns in
24 particular—shares others' concerns in particular the
25

2 bill's exclusion of buildings and at least rent
3 regulated unit, which effectively means that we
4 choose not to address over a third of the greenhouse
5 gas emissions coming from buildings over 2,500 square
6 feet. This and other concerns will be described by
7 my fellow panelists to whom I now conceded the floor.

8 DAVID COHEN: Okay. Thank you everyone.
9 Thank you Carl. Good morning Committee Chair
10 Constantinides and committee members. I'm David
11 Cohen, Political Manager at SEIU 32BJ here in New
12 York. On behalf of the union's 85,000 members who
13 work in our city's buildings, thank you for the
14 opportunity to testify here today. Our members sit at
15 the nexus of the bill's impact. They live in
16 communities and hail from countries that are
17 disproportionately impacted by climate change as well
18 as working buildings that will be covered by the
19 proposed law. In many instances that as our members
20 who will serve as agents for the change on the ground
21 using skills taught in our green training programs to
22 make their buildings more energy efficient. Our
23 members also experience first hand as tenants the
24 challenge of maintaining affordable housing in our
25 growing city. We applaud the efforts of the

2 Committee Chair and the Council to engage with
3 stakeholders throughout the drafting process,
4 including with my colleagues from the organizations I
5 share the panel with today. We strongly encourage
6 the continuation of this dialogue. It's been really,
7 really helpful. It's essential that we move forward
8 with the plan or do submissions that is broadly
9 supported, technically feasible and did not hurt or
10 leave those already vulnerable. I acknowledge the
11 care taken in drafting this bill to avoid the
12 unintended consequence of triggering rent increases
13 in rent regulated units as you've heard from many
14 others today. However, leaving these buildings out
15 exempts over a third of the city's building square
16 footage, making long-term efforts to achieve
17 substantial reductions ultimately (sic) harder than
18 in a smaller portion of buildings subject to the
19 standards. Important also carving out these
20 buildings where it's denying rent regulated tenants
21 like our members the benefits of cleaner air, more
22 energy efficient apartments, lower energy costs,
23 which I know as all the committee members and the
24 Council really care about. We believe that the
25 Advisory Board created by this bill with the addition

1 of housing advocates to its composition should be
2 empowered to consider how rent regulated buildings
3 can participate. This effort should be informed by
4 the outcomes of the renewal of rent stabilization
5 laws through their current Albany in 2019. I mean I
6 know we're all really excited about what's doing to
7 happen in Albany in 2019. As an interim step we
8 encourage the Council to consider the recommendation
9 made by the 80 x 50 buildings partnership convened by
10 Urban Green with respect to low-cost energy saving
11 measures that do not trigger MCI increases. Our
12 members take part in a lot of this work. In addition
13 we support separate action by the Council to
14 appropriate funds to assist rent regulated properties
15 to improve their energy performance including
16 assistance on voluntary deep energy retrofit
17 measures. It's taken a number of years to get to get
18 to this point where we have a diverse group, and we
19 have our diverse groups converging and proven support
20 of this ambitious endeavor, and we thank the Council
21 for its leadership and its cooperation that its
22 demonstrated throughout the process as we work
23 towards what would be a ground breaking-ground breaking
24 bill.

2 CHAIRPERSON CONSTANTINIDES: Thank you.

3 [background comments]

4 LINDSAY ROBBINS: Thanks. Thank you Carl
5 and thank you David. I am Lindsay Robbins at the
6 Natural Resources Defense Council. Good morning.
7 I'm speaking on behalf of my colleague Donna
8 DeConstanzo, who unfortunately had to step away, but
9 thank you for the opportunity to testify today on
10 this groundbreaking legislation. NRDC has been
11 working in New York City and across the country on
12 issues related to climate change and energy
13 efficiency for decades including working extensively
14 with the city on the Landmark Green, Greater
15 Buildings plan and the subsequent bills. New York
16 City continues to be a critical leader as action of
17 the local and state level is now more important than
18 ever, and we fully support the Council moving forward
19 with the framework to significantly reduce energy
20 consumption in our buildings and look forward to
21 working with the Council to advance Initiative No.
22 1253, and improve upon it so that it is as effective
23 as possible. To that end, we offer the following
24 specific comments: On flexibility we believe that
25 energy efficiency should remain the focus of the

1 legislation particularly due to the many benefits
2 associated with it beyond carbon reduction. If
3 options beyond energy efficiency may be used to meet
4 the bill's requirement--[coughs] excuse me--
5 particularly if a building emissions intensity metric
6 is used, we recommend that the Council include
7 parameters in the bill regarding how targets may be
8 met. Assuming that renewable energy may be used to
9 meet the bill's targets, we urge the Council to only
10 permit the use of local green power purchase and to
11 ensure that they are added in and not duplicative of
12 other requirements. In addition, we recommend that
13 the Council adopt New York State's definition
14 renewable energy pertaining to its clean energy
15 standard as the currently included definition of
16 green energy source may permit technologies that we
17 don't considered to be renewable. So, just municipal
18 solid waste and incineration. Also, but we believe
19 that there are specific limited instances in which a
20 variance from requirements may be warranted, the
21 variance provisions currently included in the
22 legislation are too broad and provide a significant
23 amount of discretion to the Department of Buildings.
24 On requirements, we join others in voicing concern
25

1 over the bill's blanket exemption of buildings with
2 at least one rent regulated unit, the city will not
3 be able to achieve its greenhouse gas reduction goals
4 with this exclusion. It is also important that these
5 buildings and tenants get the benefits of energy
6 efficiency and, of course, any framework including
7 rent regulated housing must protect against
8 displacement and maintain affordability while
9 advancing emissions reductions and energy efficiency.
10 Regarding the early 2022/2023 compliance period to
11 address feasibility concerns while still achieving
12 the city's initial reduction goals, we suggest that
13 the Council consider briefly deferring the initial
14 compliance period and staggering compliance requiring
15 the worst performers to cut their energy use or
16 emissions by an established percentage instead of
17 reaching an absolute target. In addition, we agree
18 with the Council's intent to include a backstop that
19 will ensure that we achieve our 40 x 30 greenhouse
20 gas reduction target, but rather in reassessing the
21 current structure to ensure that we achieve our goals
22 in the most effective way possible. Finally, we
23 also strongly support the Council's efforts to
24 establish a Commercial PACE program as included
25

2 Initiative No. 1252, which will provide much needed
3 assistance to building owners for financing energy
4 efficiency retrofits, and other clean energy
5 technologies. It is critical that the city, state
6 and utilities integrate their efforts to the greatest
7 extent possible to provide the financial and
8 technical assistance that will be needed to meet the
9 city's goals and vision through the legislation as
10 well as the State's ambitious energy efficiency
11 targets. Once again, we thank Council Member
12 Constantindies, Speaker Johnson, and the Council for
13 their relationship, and leadership and stand ready to
14 help improve and move forward this momentous bill
15 that is not only critical for New York City's future
16 [coughs] But will also serve as an important model
17 for other cities around the country. Thank you.

18 [bell]

19 CHAIRPERSON CONSTANTINIDES: Right on
20 time. There you go. Right here at the end.

21 JAY EGG: Thank you Council Member
22 Constantinides. Thank you Samara, Nadia and Chairman
23 Johnson. This is more of a how to. I'm a consultant
24 out there and a speaker on the technology, and I have
25 been for 30 years, and I've had a great deal of good

2 times working with NYSERDA and other government
3 entities here and abroad. So, for a quick outline,
4 we're going to share a little bit about the
5 infrastructure. It's a little bit of a different
6 look at clean heating and cooling, but it's been
7 applied in the city already. I'm going to talk about
8 it isn't—it isn't what everybody thinks. We've got
9 to think outside the box. We'll do this for several
10 case studies, but let's start here. In the master
11 design of mixed use, cities, communities, buildings
12 and campuses, all facets of infrastructure must work
13 as a single body. We have to get out of silos,
14 facilitating interconnections of the various systems.
15 Stanford University did this. If you look at the
16 graph, the image on the bottom left, they used to use
17 fossil fuels to heat at the same time as they were
18 using cooling towers and electricity to cool. When
19 they started sharing these loads, which can be shared
20 between blocks and communities they're call thermal
21 grids, which is very important to New York City, they
22 saved 80% of their energy and started sharing it from
23 one site to another. That lasted. A bit of red you
24 see in the right image is going to be taken care of
25 with surface water geothermal heat extraction. This

2 is an example of how New York City can share energy
3 using clean heating and cooling. So hydraulic. You
4 have a lot of infrastructure under the ground now.
5 All facets of infrastructure need to start to work
6 together. So, we're going to move New York City out
7 of silos and into a thermal advantage scheme just
8 like Stanford has done, and it's actually been right
9 here in in the city. But first, let's talk about
10 some conflicting issues. This is a real problem.
11 There are private tenants, private owners in this
12 city who are being offered money right now, millions
13 of dollars to go with natural gas at the same time as
14 we're trying to get off of it. These are conflicting
15 issues that need to be cured as part of this bill.
16 There's a need to educate on these penalties and I've
17 heard a lot about that today. So, let's move on.
18 When you're talking about clean heating and cooling
19 versus boilers and cooling towers, you're using pipes
20 underground. It's the same infrastructure. It's
21 just moving water instead of fossil fuels. We have
22 to re-educate ourselves. This really needs to start
23 with the building supers and go the architects and
24 engineers. NYSERDA did it by investing millions into
25 a statewide program that I got to be part of a couple

2 of-the end of last year. The solutions are all
3 around us. Think outside the box. Just look. Saint
4 Patrick's Cathedral went 2,200 feet deep to do it,
5 and they're complete off all fossil fuels. The
6 Cornell Bloomberg Center did it with hybrid closed
7 loop technology using the East River. Trevor Day
8 School did it on energy piles. The buildings have to
9 be-buildings have to be on piles anyway, why not put
10 them on energy piles, and I think that could even be
11 a retrofit in the future. Nashville Airport went
12 completely off fossil fuels and cooling towers by
13 using surface water exchange, they're called lake
14 plate exchanges. Valley Stream, this is right here
15 in New York and Valley Stream an elementary school
16 went down to a city water main, and underwent a
17 three-year study [bell] to which Oakridge National
18 Laboratories has approved use of city water mains as
19 safe. That's infrastructure you already have. I'd
20 be pleased to stop or keep going. I've only got a
21 couple more slides.

22 CHAIRPERSON CONSTANTINIDES: If you can
23 do it quickly-

24 JAY EGG: Yes.

25

2 CHAIRPERSON CONSTANTINIDES: --please
3 wrap up.

4 JAY EGG: This is a big one--

5 CHAIRPERSON CONSTANTINIDES:
6 [interposing] Yeah.

7 JAY EGG: --Councilman. All of your
8 residential buildings can do this at no cost. There
9 are companies out there that do wastewater thermal
10 extraction that will do all of their hot water. One
11 of them just sat in the Chambers with Samara and
12 Nadia, and explained how that could be done. It's
13 called wastewater thermal extraction. Everybody's
14 got wastewater. It's 70 degrees coming out. You can
15 pull the heat out of it before it goes down into
16 your sewer, and I'll just leave it alone at that, but
17 oh, I have to say one more thing. I'm sorry. MTA,
18 we have to get New York City to engage MTA. They did
19 a study in 2011. Do you how many--? We're talking
20 about an 11-foot rise in sea level. They're
21 dewatering the subways continually. All that water--
22 this is their own study. It's being pumped out into
23 the East River. It should be going through exchanges
24 in buildings to provide heating and cooling. Why are
25 we not working together? Nobody will use this MTA

2 water. It's millions of gallons per minute going
3 out, and if you just look at this bottom right image,
4 those are all pumping stations two per block all the
5 way down the street. I could go on and on for days
6 because I've got 30 years of this in my history, but
7 you have it under you streets already, Councilman,
8 and everybody.

9 CHAIRPERSON CONSTANTINIDES: Thank you,
10 and they're next door. So maybe we can grab them
11 before they leave.

12 JAY EGG: Good.

13 CHAIRPERSON CONSTANTINIDES: Just one.

14 BOB WYMAN: Yeah, I'm going to try. My
15 name is Bob Wyman. I've lived here in New York City
16 and I might—I'm going to try not to repeat what other
17 people have said. One thing I would like to do is
18 reflect on some of the—some of the history of the
19 development of this conversation over the last couple
20 of years. In the last say ten years that I've been
21 advocating for clean heating and cooling here in New
22 York City, I remember that when we gain a lot of
23 people are asking us is this really necessary, a lot
24 of the building owners, architects and the rest of
25 the scene, are we really going to have to do these

1 conversions? And I think the one thing that's really
2 changed today is that when I—when I talk to people
3 that own—own or operating building, they never aske
4 that question. They know it's going to happen. They
5 key question that comes I think from a—from a lot of
6 the real estate people now is when are they going to
7 have to do it, and I think that's one of the real
8 contributions of 1253 and the 1253 begins to give us
9 a sense of when do we have to do these things? It's
10 really important to understand from the building
11 point of view because a lot of the investments they
12 make they're going to make on 30, 40, 50-year
13 schedules, and they need to know now what is—what is
14 the—what are the requirements going to be 40 years
15 from now. Not what the requirements are 10 years. 5
16 years, 15 years. Anybody who is doing a substantial
17 rebuild or doing a building a new building today
18 needs to know 40 or 50 years from now what is that
19 building—how is that building going to have to
20 perform. And so, as you're looking at this bill, and
21 I know a lot of the focus is on this early stuff. You
22 know, like what's going to happen in 2022, 24 or
23 whatever, please be aware that for people who are
24 doing substantial retrofits or new bills, they need
25

2 to know with as much certainty as possible what
3 actually the requirements will be on them in 2050 so
4 that they can plan, so they can start doing the right
5 things. Another group of people who need to look at
6 1253 and begin to get a sense of what's going to
7 happen in the future are, in fact, our-our-is our gas
8 utility. Something that should be very obvious to
9 anybody who—who reads this bill, who follows what
10 the—the city has been doing over the years is that
11 between now and 2050 we're going to have a
12 substantial reduction in the consumption of natural
13 gas in this city. We're also going to have a
14 substantial reduction of the other fossil fuels as
15 well, but we're going to—we're—we're—we're going to
16 be reducing our natural gas consumption. You can't
17 do an 80% reduction without having—without that
18 happening. The result of that is going to be that
19 frankly there will be stranded assets created in the—
20 in the natural gas distribution network. A lot of
21 the assets that are in place now will no longer be
22 economically efficient—effective. They won't be
23 earning their—their keep because we will be using
24 them less. This is a good thing, okay, because
25 that's—because we get—we're going to have fewer

2 emissions. We're going to have greater efficiency.
3 We're going to reduce costs for consumers, but we're
4 also—we have this infrastructure that's left behind
5 that isn't going to get paid back. It's import that
6 people understand that even though we're talking
7 about a 2050 plan here, you know, what's going to
8 happen in the next 30 or 31 years? Okay. The
9 utilities they use anywhere between and 60 and 80
10 years is the time period over which they recover the
11 costs of any new gas infrastructure, which is put in
12 the ground today. Services, the cost of those are
13 recovered over 60 years. Mains for distribution are
14 recovered over 80 years. Okay, and that means that
15 even though we know that there will be a dramatic and
16 substantial reduction in the consumption of—of
17 natural gas over the next 30 years, the current plan
18 is that we will continue to pay for the natural gas
19 infrastructure we have in the ground. We will
20 recover its cost over the next 60 to 80 years. It is
21 very important that we understand that in the
22 situation we have today, we're as Jay pointed out
23 earlier we have a natural gas distributor who's
24 offering people incentives and inducements on the
25 order of millions of dollars in order to choose to

2 increase natural gas consumption today. Okay.
3 Those--those--any--any infrastructure that is put in the
4 ground today, okay, will not be paid back until the
5 end of an 80-year period. It is essential that we
6 begin to communicate to our utilities that they
7 really only have somewhere on the order of--of 30 to
8 40 years to pay off--

9 CHAIRPERSON CONSTANTINIDES: If you can
10 begin wrapping up.

11 BOB WYMAN: Yeah, to pay off those costs
12 and that they should not be putting in the ground new
13 equipment, new infrastructure, which is, in fact,
14 going to be--which is scheduled to be paid over a 90-
15 year period, okay. The--the capital asset planning of
16 the grid needs to reflect the City Council's goals
17 for the emissions reductions in this city, which were
18 targeted for 2050 not 80 years from now.

19 CHAIRPERSON CONSTANTINIDES: And so one
20 of the questions I have right off the bat I heard you
21 say something that I've heard before. You had talked
22 about incentives being offered to building owners to
23 switch to natural gas rather than other renewable
24 systems.

25 JAY EGG: And that's exactly--

2 CHAIRPERSON CONSTANTINIDES:

3 [interposing] Can you expand on that a little bit?

4 JAY EGG: Yes, there is a—there is a
5 building down on 40 West and my company is a
6 consultant for them on some projects over in New
7 Jersey, and also potentially in Florida where I'm
8 from, and they have a real issue because they're
9 being offered millions of dollars to put in natural
10 gas.

11 CHAIRPERSON CONSTANTINIDES: [interposing]
12 By whom?

13 JAY EGG: By Con Ed.

14 CHAIRPERSON CONSTANTINIDES: By Con Ed,
15 by the utility?

16 JAY EGG: Yes.

17 CHAIRPERSON CONSTANTINIDES: Uh-hm.

18 JAY EGG: To put in natural gas-fired
19 heating and cooling. At the same time as there's a
20 gas innovation program going in, which is trying—the
21 same company has got the gas innovation program going
22 on trying to get people off. One side doesn't know
23 what the other side is doing right now, Councilman.
24 It truly is an issue where thankfully they have a
25 director of—of infrastructure and utilities over

2 there that says I've got to answer to the owners in
3 10 years why I just put in a stranded asset. You get
4 what I'm saying?

5 CHAIRPERSON CONSTANTINIDES: Uh-hm.

6 JAY EGG: Uh-hm.

7 CHAIRPERSON CONSTANTINIDES: It's
8 probably--

9 JAY EGG: [interposing] And he's not
10 going to do it until he gets better educated.

11 CHAIRPERSON CONSTANTINIDES: I have some
12 real concern and I'm happy to ask the utilities about
13 that when they're on the stand because we need to
14 make sure, and I will ask them that when it's--the
15 time comes, but I have some real concerns over
16 offering dollars to not do renewable sources, and to
17 go onto natural gas, which doesn't have the shelf
18 life.

19 JAY EGG: Well, just so you know, my
20 meeting--I have meetings tomorrow down at that
21 building with the--that owner and Con Ed, and I think
22 they're going to ask them those hard question, too.

23 CHAIRPERSON CONSTANTINIDES: I hope they
24 do.

2 BOB WYMAN: The Con Ed, a rate case is
3 opening up for the new rate case on the natural gas
4 is opening up probably in January of February, and I—
5 I certainly am going to be working the issue of
6 stranded assets as well as looking for accelerated
7 depreciation on the natural gas assets, assuming that
8 in those—in that proceeding. My hope is that the
9 city will join us and other to try to ensure that, in
10 fact, that in that new rate case we have
11 significantly accelerated appreciation, and that the
12 Con Ed is—is doing a much better job of—of—of
13 managing the—the cost recovery on those assets in the
14 future. You know probably know as well that Con Ed
15 has been—is being now very aggressive in doing things
16 that will reduce the growth of natural gas up in
17 Westchester, but down here in the city they're
18 continuing to be aggressively pushing the expansion
19 of natural gas in the city. Even though they are—are
20 doing some great things up in—in Westchester, they're
21 not doing it down here in the city.

22 CHAIRPERSON CONSTANTINIDES: And so—so
23 the next question I have is—is more for the folks in
24 the middle of the table there. One of the biggest
25 criticisms I heard during the previous iteration of

2 this bill is that we weren't giving building owners
3 enough flexibility, right, and that we want to—that
4 fossil fuels wasn't the right way to go, and that
5 building energy intensity, and I heard that E-Y (sic)
6 was bad. So, what is wrong with the metric of really
7 looking at the disease not the symptoms, and saying
8 we should have a reduction on—on—on carbon emissions,
9 and that if the building owner wants to use more
10 renewable energy, that's great. You can use as much
11 renewable energy as you'd like, but we have to get
12 the emissions down in those buildings. What—what is
13 the challenge for using that metric?

14 LINDSAY ROBBINS: I think one of the
15 major challenges is the fact that, you know, building
16 owners don't have control over the grid, and
17 obviously, you know, we want to see energy efficiency
18 happening, we want to see an increase in
19 electrification happening in these buildings, but we
20 need to give building owners a signal with a metric
21 that they can understand that tells them what they
22 need to do in their building as opposed to having to
23 figure out well what do I do in my building? If this
24 is happening in the grid, it's—it's not the most
25 effective signal that we can send to building owners.

2 CHAIRPERSON CONSTANTINIDES: Okay.

3 CARL HUM: [off mic] And I'll just--I
4 would just--[on mic] I will just add to that with
5 regards to the prior pieces of legislation that
6 we have seen similar to this piece of legislation
7 is that these are absolute targets that are
8 imposed both in the initial compliance period and
9 also for the backstop, and I think that the
10 approach has to be, and I think you heard earlier
11 today from other groups that--that--that the push
12 should be percentage reductions of energy
13 consumption versus the--the absolute target
14 because I'll tell you right now, that even among
15 our membership who, and I'm thinking of one
16 particular member who has in its portfolio EPA
17 rated, energy star highly--high energy star rated
18 buildings, they're looking in their portfolio of
19 fines up to \$3 to \$6 million dollars, in the
20 initial comprise period and \$16 to \$24 million in
21 the--in the backstop period. So, I think that
22 then that has lot to do with--with the realty
23 targets that are set.

24 CHAIRPERSON CONSTANTINIDES: Alright, I
25 think we're going to have a continued discussion on

2 this, because frankly we—we can't pull back, right?
3 We have to get to a 40% reduction by 2030. That is
4 not negotiable. So, how we get there we need to be
5 aggressive, we need to be strong, we need to make
6 sure that these things are achievable, but we have to
7 make—we have to make sure we turn over a rock to get
8 there. So, I definitely appreciate your testimony,
9 and we have Council Member Donovan Richards here from
10 Queens. Do you have any questions, Donovan, for this
11 panel? No. Okay. So, with that I thank you for all
12 the work that you've done this far, and the work will
13 continue we'll continue to do together. Thank you.
14 [background comments, pause] [coughs] Alright, so
15 Josephine Zurica from the ACEC's Joseph Rosenberg
16 from the Catholic Community Relations Council;
17 Anthony Montaldo from ASHRAE New York Chapter; Phil
18 Skalaski from the DURST Organization; Andrew Title
19 from Greater Hospital Association; and Marianne
20 Rothman from the Council of New York Cooperatives and
21 Condominiums. [background comments, pause] Okay, go
22 ahead there on the left. [background comments]

23 PHIL SKALASKI: There you go.

24 MALE SPEAKER: There you go.

25

2 PHIL SKALASKI: Good afternoon, Chairman
3 Constantinides, Speaker Johnson and Council and
4 Committee Members. My name is Phil Skalaski. I am
5 the Co-President of the New York Energy Consumer
6 Council and I'm also the Vice President of
7 Engineering Energy Services for the DURST
8 Organization, a member of NYECC. NYECC is a not-for-
9 profit organization who with its predecessor
10 organizations, the owners' Committee on Arch Rates
11 and the New York Energy Buyer's forum have
12 represented the interest in New York City and
13 Westchester County energy rate payers in general and
14 of commercial property owners in particular before
15 the New York State Public Service Commission for
16 nearly 70 years. Our members also include city
17 hospitals, colleges, a governmental agency, a
18 financial institution, and other real estate
19 organizations. NYECC routinely intervenes in Con
20 Edison electric, gas and steam rate cases before the
21 Commission to ensure just and reasonable rates not
22 only for its members, but for many of many other rate
23 payers in Con Edison service territory as well.
24 NYECC has identified a number of concerns with Intro
25 1253, a bill that among other things establishes

2 greenhouse gas emission limits for existing
3 buildings. First, an unintended consequence of Intro
4 1253 is that it will increase electric rates for all
5 New York City electric consumer rate payers
6 irrespective of building ownership. Intro 1253
7 enforces greenhouse gas limits without providing
8 conversion factors for how to convert energy usage to
9 greenhouse gas. Depending on the factors that may be
10 determined by the administering agency, a fuel shift
11 may be required. This proposed legislation if
12 enacted will have building owners scrambling on
13 wholesale basis to convert some or all of their
14 building systems to electricity in their attempt to
15 comply and avoid penalties assessed on exceed
16 greenhouse gas limits. This en masse conversion to
17 electrification of the city's buildings will require
18 not only additional generation resources to meet this
19 additional demand, but also significant—but also
20 significant additional transmission and distribution
21 infrastructure in Con Edison service territory in New
22 York City, which will have to be borne by rate
23 payers. An analysis performed by London Economics
24 International from NYECC entitled *Estimating the*
25 *Impact of Carbon Legislation for our New York City*

1 *Buildings on Electricity Costs* that draws this very
2 conclusion accompanies this testimony. The London
3 Economics report specifically analyzes the fossil
4 fuel limitations outlined in the committee's
5 predecessor bill Intro 1745. Whereas, Intro 1253
6 focuses on whole building greenhouse gas caps. The
7 result will undoubtedly be the same and are likely to
8 be accelerated due to the proposed compliance
9 requirements projected for as early as 2022. The
10 premature move to electrify so many building heating
11 systems at the same time with the drastic attendant
12 price increase consequence to all—consequence to all
13 electric rate payers runs contrary to the just and
14 reasonable rate standards the New York State Public
15 Service Commission applies to all utilities. This
16 committee and the Council should follow the
17 Commission's lead in engaging action that is gradual
18 so that New York City rate payers who have to pay
19 some of the highest electric rates in the country are
20 not burdened even more going into an electric rate
21 case with Con Edison next month. It is worth noting
22 that by the end of 2019, Con Edison's electric rate
23 payers will have to pay nearly \$22 billion more for
24 Con Edison revenue—for the Con Edison requirement
25

2 over the current three-year rate plan. In less than
3 one month New York City's electric rate payers are
4 also scheduled to pay an additional \$199 million in
5 the Con Edison electric rates for [bell] the
6 company's revenue requirement starting on January
7 1st--

8 CHAIRPERSON CONSTANTINIDES: [interposing]
9 If you can wrap up.

10 PHIL SKALASKI: --2019. A couple more?

11 CHAIRPERSON CONSTANTINIDES: No, you can
12 wrap up.

13 PHIL SKALASKI: Okay. This--the emission
14 standard targets proposed in this legislation are not
15 rational, and are premature. They must--there must be
16 a process in place for the path forward both
17 structurally and financially so building owners can
18 reasonably attain these targets. Accompanying these
19 targets should be modification of the targets
20 themselves as we--as well as reasonable extension of
21 the compliance timeline. Thank you.

22 CHAIRPERSON CONSTANTINIDES: Thank you.
23 Alright.

24 JOE ROSENBERG: Good afternoon Chair
25 Constantinides, and Councilman Richards. I'm Joe

2 Rosenberg, Executive Director of the Catholic
3 Community Relations Council representing the
4 Archdiocese of New York and the Diocese of Brooklyn.
5 Mr. Chair, thank you for your leadership and focus on
6 this issue. The aim of reducing gas emissions is a
7 necessary one, not just in our city, but worldwide.
8 This is a topic of tremendous consequence and global
9 significance. Any legislation intended to
10 successfully address this challenge must be far
11 ranging in scope, but must also created a viable
12 process for property owners, that of establishing
13 appropriate criteria and realistic timelines, not
14 only will owners risk the failure to meet these
15 goals, but the attended costs of compliance could
16 have unforeseen consequences on many property owners
17 and ultimately result in collateral damage to our
18 city. The core mission the Archdiocese of New York
19 and the Diocese of Brooklyn is to help the needy in
20 New York, albeit the hungry, the poor, the immigrant
21 and the refugee, the elderly and the disabled. Many
22 of the church-owned properties covered by these bills
23 house mission driven social service operations.
24 Scarce monies that are available to both the
25 Archdiocese of New York and the Diocese of Brooklyn

2 are used for operating and expanding these human
3 service provider priorities keeping our houses of
4 worship open and allowing the Catholic schools to
5 provide quality education for over 82,000 New York
6 City children. The Catholic Church in New York City
7 owns 370 properties that would be covered by these
8 bills. They consist almost exclusively of houses of
9 worship, schools and low-income housing developments.
10 The low-income housing properties include Federal 202
11 projects for seniors in Section 8 developments where
12 rents and financing are administered and regulated by
13 HUD. The City Council's interest in exempting rent
14 regulated housing from these legislative mandates
15 should also cover Section 202 and Section 8 projects.
16 These two programs although not covered by rent
17 regulation law house extremely low-income individuals
18 and vulnerable families under federal rules and regs.
19 They deserve the same exemption that the Council is
20 providing to rent regulated developments under New
21 York. They are an essential affordable housing
22 source that need to be protected. You are familiar
23 with the architecture of many of our churches, which
24 are over 100 years old and contain high vaulted
25 ceilings and ornamental stained glass. These are

2 unique and complex characteristics that challenge and
3 defy many sophisticated efforts to implement energy
4 reduction measures. Houses of worship should be
5 exempted from the provisions of this bill. All this
6 is a reminder that not all buildings fit the same
7 profile and have the same energy reduction challenges
8 nor do all owners have the same resources to comply
9 with these timeframes and financial burdens. We,
10 therefore, ask that a spec-specific dedicated fund
11 stream for religious organizations and non-profits be
12 created to help us comply with these mandates. This
13 legislation requires all owners with buildings 25,000
14 square foot or more to meet these emission reduction
15 standards by as early as 2022. This is a well
16 intended but unrealistic timeframe especially for
17 large buildings that require years to plan and
18 finance. The deadlines also did not take into
19 account that some buildings might have recently
20 installed viable and energy efficient building
21 systems including boilers, roofs and heating systems.
22 Are these all to be replaced at great cost even if
23 they have a life expectancy of many additional years
24 in order to meet an inflexible energy percentage
25 reduction by a certain date. The deadlines in the

2 bills are especially daunting for religious
3 organizations. Few, if any of our, parishes have
4 experience with energy management of their properties
5 due to staff and limited technological expertise,
6 constrained finances and difficulty accessing
7 available resources. Technical assistance should,
8 therefore, be provided to religious organizations and
9 non-profits to comply with the goals of these bills.
10 Although the language is vague, we do appreciate that
11 the bill refers to establishing programs in order to
12 assist compliance from building owners who do not
13 have adequate financial resources. It is important
14 for all of us to dedicate ourselves to the reduction
15 of greenhouse gas emissions. It is also just as
16 important, however, that the mechanism and financing
17 for doing so be viable, and not create unforeseen and
18 unfortunate consequences for religious organizations,
19 non-profits and the residents of our city. [bell]
20 Thank you.

21 CHAIRPERSON CONSTANTINIDES: Yeah, thank
22 you.

23 JOSEPHINE ZURICA: Good morning Chair
24 Constantinides. My name is Josephine Zurica. I'm a
25 principal at Dagger Engineering, and I'm here on

2 behalf of the American Council of Engineering
3 companies of New York's Energy Codes Committee. ACEC
4 New York strongly supports the goal of this bill, but
5 we do we have several concerns and recommendations,
6 which I'll go through. First, as others have
7 mentioned, the timing of this bill, we believe that
8 the 2022 and 2023 enforcement period periods are just
9 too soon. As engineers, we understand the complexity
10 of developing methodologies and best practices to-for
11 this new approach to energy enforcement, which will
12 also require new design standards, and we also
13 understand the time it takes to design, construct and
14 commission buildings in order to achieve success for
15 our climate-clients in climate carbon reduction, and
16 we just feel that the timing is too fast. So, our
17 recommendation is that that enforcement should begin
18 in 2024, allowing enough time to prepare. The second
19 recommendation is that the bill requires that the
20 working group publish a referenced standard for
21 building designers. This reference standard would
22 essentially make the stakeholders responsibilities
23 clear, establish an accepted standard of care for
24 building design, and in order to maintain
25 insurability and avoid lawsuits between stakeholders.

1 Our second concern is the building classification
2 system as currently proposed is completely
3 inappropriate for reducing carbon emissions. In this
4 bill a hospital and a big box retail store would
5 require the same level of emission reduction. In
6 addition a 24-hour financial trading operation and a
7 class B office building would also require the same
8 level of emission reduction. With this system, some
9 owners will never be able to meet the requirements of
10 this bills, and others will do so without even having
11 to do anything to their buildings. Our
12 recommendation for this is that Intro 1253 should
13 instead use the Building Classification System that
14 is already in place for energy benchmarking through
15 Local Law 84. This system is much more granular in
16 the classifications that it provides to buildings,
17 and is more appropriate for energy use in buildings.
18 Secondly, there is currently no benchmarking data for
19 buildings between 25,000 and 50,000 square feet, and
20 this can—this is problematic because there—there is
21 no way to understand the similarities of between
22 larger buildings and these buildings between 25,000
23 and 50,000 square feet. So, our recommendation is
24 that in the initial enforcement period of 2022 to
25

2 2023 in lieu of fines the city should issue notices
3 of either compliance or non-compliance to building
4 owners stating what the penalty would be for non-
5 compliance in the future. It's important to
6 appreciate that every dollar an owner spends on a
7 penalty or a fine is one less dollar that they can
8 spend on carbon reduction for their building. Third
9 and lastly, while we fully support the need to
10 maintain affordable housing for New Yorkers, the
11 blanket exclusion of all affordable housing, which we
12 understand would include entire buildings where only
13 a portion of the units are affordable, takes too much
14 of New York's carbon emissions off the table. So, we
15 recommend that in order to reach the 80 x 50 target,
16 we—you revisit removing such a large percentage of
17 the building stock in this effort. Thank you very
18 much.

19 ANTHONY MONTALTO: Good afternoon Chair
20 Constantinides and committee members. My name is
21 Anthony Montalto. I'm a Licensed Professional
22 Engineer and LEED accredited professional.

23 CHAIRPERSON CONSTANTINIDES:
24 [interposing] Sorry.

25 ANTHONY MONTALTO: Oh.

2 CHAIRPERSON CONSTANTINIDES: I'm going to
3 give you the full four minutes. [laughter] Go
4 ahead. There you go. Go ahead.

5 ANTHONY MONTALTO: I'm an Associate
6 Partner at Associate Partner at Jaros, Baum & Bolles.
7 Consulting Engineering Firm as well as the current
8 President of ASHRAE New York Chapter. I'm here on
9 behalf of the local ASHRAE Chapter, which represents
10 over 1,000 members in New York City. ASHRAE stands
11 for the American Society of Heating, Refrigeration
12 and Air Conditioning Engineers found in 1894. It is
13 a global society advancing human wellbeing through
14 sustainable technology for the built environment.
15 The Society and its members focus on building
16 systems, energy efficiency, indoor air quality,
17 refrigeration and sustainability within the industry.
18 Through research standards, writing, publishing,
19 certification and continuing education, ASHRAE shapes
20 tomorrow's built environment today. ASHRAE's mission
21 is to advance the arts and science of heating,
22 ventilation, and air conditioning and refrigeration
23 to serve humanity and promote a sustainable world.
24 With more than 56,000 members from over 132 nations,
25 ASHRAE is a diverse organization representing a

1 building system design and industrial process
2 professionals around the world. The New York Chapter
3 consists of a wide ranging group of engineers,
4 designers, contractors, developers, sales
5 representatives and other professionals involved
6 within the built environment. It is our obligation
7 to represent these various stakeholders. Then New--
8 affordable housing New York Chapter supports the goal
9 of Intro 1253 and applauds the City Council for
10 setting aggressive emission limits to greatly reduce
11 greenhouse gas emission by 2050, but we have concerns
12 about the bill in its current form. Second 28-320.3
13 of the proposed bill identifies the building CO2
14 emission limits. The limits are categorized based on
15 occupancy group as indicated in the New York City
16 Building Codes. The use of occupancy groups for
17 benchmarking CO2 emissions is not appropriate.
18 Buildings within each occupancy group differ
19 drastically in terms of the energy usage and CO2
20 emissions. The bill in its current state would
21 provide the same limits of CO2 emissions for a
22 hospital and a warehouse. We recommend that the
23 limitations of CO2 be categorized based on the
24 building's primary program use, and further recommend
25

2 that the bill be revised to utilize the building
3 classification system identified in Local Law 84. In
4 addition ASHRAE has a number of standards for built
5 environment that would help in this effort. Thank
6 you for this opportunity to testify. We appreciate
7 all the effort that you're taking to make this city a
8 more sustainable place to live and work. We trust
9 you'll take our concern into serious consideration
10 ensuring that the bill correctly targets emission
11 limits for all building sectors, and provide in the
12 bill its best opportunity to be an effective tool to
13 drive carbon reductions in the built environment.

14 CHAIRPERSON CONSTANTINIDES: Go ahead.

15 ANDY TITLE: Chair Constantinides,
16 Council Member Yeger, Council Member Richards, I want
17 to thank you for the opportunity to testify today.
18 My name is Andy Title. I'm the Senior Director for
19 Safe Government Affairs at the Greater New York
20 Hospital Association. Our members include all of the
21 hospitals and health systems in New York City both
22 public and voluntary. You know Greater New York
23 Hospital Association members are committed to
24 fighting climate change, and I want to make that
25 clear, and applaud the Council for taking up this

1 important issue, and we support the intent of this
2 bill. Many hospitals have already made large
3 investments in improving energy efficiency. A large
4 portion voluntarily joined the Mayor's Carbon
5 Challenge. That was to reduce energy use by 40% by
6 2030. Hospitals are working hard to meet these
7 ambitious goals, and some have even agreed to pursue
8 50% by 2025. However, we're extremely concerned
9 about the unintended consequences of this bill, which
10 would have severe and adverse consequences on Greater
11 New York Hospital Association members' mission, which
12 is providing excellent patient care to New York in
13 their times of need, achieving medical breakthroughs
14 through research, and training the doctors of
15 tomorrow. The current approach for '22 and '23,
16 which is hard caps on emissions based on building
17 occupancy groups is extremely problematic, and I want
18 to echo what some of the other experts on this panel
19 have said about that. We're similarly concerned
20 about the plan for 2024 through 2029, which gives the
21 city flexibility in setting emission limits, but does
22 not—which nonetheless sets stringent standards. The
23 bill places the same energy use limits on hospitals,
24 academic medical centers and commercial buildings.
25

2 This doesn't make sense to us. These buildings have
3 totally different functions, health and safety rules
4 to comply with and operating hours. Since the bill's
5 release on November 21st, hospitals have done their
6 best to calculate the potential impact that it would
7 have on their institutions. While we're still
8 analyzing this highly technical legislation, multiple
9 institutions have estimated tremendous monetary
10 penalties, and I want to echo what you said, Council
11 Member before and what Council Member Levine said
12 about non-profits and how we need to look carefully
13 at the effect that this bill would have on them.
14 We're concerned that these financial penalties would
15 put the viability of these valued institutions at
16 risk. Potentially, we need to further hospital
17 closures in areas where they are most needed, and
18 compromise their missions. This is especially
19 concerning since there are 30 hospitals with less
20 than 15 days cash on hand on a New York State
21 watchlist across the five boroughs. Excuse me. This
22 would also jeopardize many good paying union jobs
23 including for the hard-working men and women of 1199
24 SEIU, United Healthcare Workers East. Collective,
25 hospitals are the largest employers in New York City

1 and we think that this is an important fact to point
2 out. The bill exempts rent regulation--rent
3 regulated buildings right now to avoid rent hikes on
4 poor and working class New Yorkers. Landlords that
5 own these buildings have limited resources because of
6 restrictions on what they can charge. The vast
7 majority of New York City hospitals are subject to
8 similar--similar constraints. The majority of their
9 patients are on Medicaid and Medicare. They have no
10 control over what they are paid to seize patients,
11 which is well below the cost of care because the
12 rates are set by governments at the state level and
13 the federal level. GNHYA believes hospital should
14 have a similar status, a clear exemption from the
15 bill's penalties would be the simplest way to ensure
16 that New Yorker continue to have access to world
17 class care, avoid hospital closures, and protect
18 jobs. GNHYA is committed to working together to
19 address climate change in a way that will enable
20 hospitals to continue serving their communities.
21 We're assembling a working group of hospital
22 engineers to provide technical advice as the bill
23 moves forward. However, this must be done in a
24 deliberate way rooting the realty rather than
25

2 fidelity to any arbitrary timeline. Thank you and
3 I'm happy to answer any questions.

4 CHAIRPERSON CONSTANTINIDES: Thank you.
5 [pause]

6 MARY ANN ROTHMAN: Good afternoon.

7 CHAIRPERSON CONSTANTINIDES: Good
8 afternoon.

9 MARY ANN ROTHMAN: [laughs] Yes. Good
10 afternoon Council Member Constantinides and members
11 of the Environmental Protection Committee. My name
12 is Mary Ann Rothman. I'm the Executive Director of
13 the Council of New York Cooperatives and
14 Condominiums, which is a membership organization for
15 housing cooperatives and condominiums located
16 throughout the five boroughs and beyond. We wish to
17 speak today in support of the guiding principles
18 behind the three pieces of legislation before you,
19 but also to raise some questions, many of which have
20 already been raised and offer some suggestions. We
21 were pleased—the Council of New York Cooperatives was
22 pleased to participate in the building partnership
23 convened by Urban Green Council to discuss energy
24 regulations, and we support the gamut of suggestions
25 published in the *Blueprint for Efficiency*. CNYC

recognizes the care that has gone into crafting Intro 12-1253, a comprehensive bill that sets standards for measuring concrete and specific progress towards the city's ambitious goal of reducing our 2005 carbon footprint statistics by 80% by the year 2050 through the establishment of an Office of Building Energy Performance. We appreciate that the legislation acknowledges that housing cooperative and condominiums have little real control over actual energy use inside apartments. We also recognize and appreciate the efforts to differentiate among types of buildings when establishing progressive requirements for energy conservation progress, but this needs to be expanded considerably to take into consideration hours of operation, nature of the population and whether it's seniors in all the units or large families, how labor intensive a workplace is, how much energy goes to technology, et cetera if expectations are to be realistic and achievable. The majority of mem-of the members of CNYC will need to undertake significant capital projects to comply with the level of reduction required by Intro 1253. Not only will these capital expenditures have to vie with other mandates, but the tight timeframes in the

1 current bill make it a real challenge to engage in
2 the careful long range, technical and capital
3 planning that every building should undertake to
4 address energy requirements along with all the other
5 mandates and requirements of the city. This would
6 make it difficult for most buildings to meet the
7 interim requirements for the years 2022, 2023 and 24
8 in the legislation as proposed and most particularly
9 the smaller 25,000 to 50,000 square foot buildings
10 that are only this year first subject to the
11 benchmarking requirements, which we hope will produce
12 results that that will be instructive and insightful.
13 Buildings and most particularly co-ops and condos who
14 are responsible to their resident owners need to plan
15 for the long term and the very long term. They need
16 to seek input from experts. They need to map out a
17 progressive program for upgrades, replacements, et
18 cetera, and they need to find the funds to implement
19 these projects. Yes, indeed, many energy projects
20 eventually recover the cost of their installation
21 through energy saved but how are the initial costs
22 covered? In cooperatives and condominiums, homeowners
23 must either borrow to meet unanticipated additional
24 costs or reach into their own pockets for assessments
25

2 and higher carrying charges. Naturally the Council
3 of New York Cooperatives and Condominiums supports
4 with enthusiasm the legislation establishing a
5 sustainable energy loan program to fund energy
6 improvements. [bell] We encourage—wow—the
7 widespread use of this program as well as expansion
8 of the services within—of the Retrofit Accelerator.
9 The legislation—the third piece of legislation
10 changing the energy grades to look more like the
11 American system than the European is a good step
12 forward. However, since legislation also calls for a
13 new performance metric tailored to New York City
14 buildings we respectfully suggest that the new metric
15 be used as the basis of eventual energy grades and
16 wait—the implementation be postponed until that time.
17 Thank you very much.

18 CHAIRPERSON CONSTANTINIDES: Thank you,
19 thank you. I have loads of questions, but I also
20 have four hours of testimony ahead of me. So, what I
21 will say is that we have spoken to the Administration
22 about the issue of non-profits and how they would be
23 impacted and how we get dollars to help do that. We
24 want to make sure there's a firm outreach on the
25 Retrofit Accelerator. I'm not sure how many of you

1 have interactions with the Retrofit Accelerator yet.

2 One. Okay, and I think that I'll say this overall: We

3 need all sectors to participate in the reduction of

4 greenhouse gases in the city of New York. No sector

5 can be left behind. We are hoping and we believe

6 that Albany will close the issue of MCIs, and then

7 that will--those--that will--the bill would be amended

8 at that time. Maybe even before we pass the bill,

9 but we--we--we are looking to make sure that we protect

10 tenants, but once MCIs are removed to bring this--this

11 piece of the bill back. So, I'll say that we are--we

12 do not want to create a list of exemptions. We want

13 to make sure that every sector participates in a

14 meaningful way, but we are looking to be as--as

15 realistic as possible. So, I appreciate all of your

16 testimonies. I look forward to working with you all.

17 Thank you. [background noises, pause] Alright, next

18 up Cliff Kellogg, CPACE Alliance; Genevieve Sherman,

19 Green Works Lending; David Gabrielson, PACE Nation;

20 Bracken Hevericks (sic) DC PACE Financing Urban--I

21 can't read this part but CEO; Keith Kinch, Block

22 Power. I think I know that guy; Jeff Pedman, Bright

23 Power. [background comments, pause] And again, if we

24 can keep everyone to four minutes. Please don't go

25

2 over your time. We still have four minutes of—four
3 hours of testimony left. Thank you.

4 SERGEANT-AT-ARMS: [off mic] Folks, if
5 your name was called, please come up. If you have
6 copies of your statements, please hand them to me,
7 please. [background comments, pause] Folks, any
8 conversations outside, please. Thank you so much.

9 CHAIRPERSON CONSTANTINIDES: We usually
10 start on this side. We're going to start on this
11 side. Just Keith, if you can begin. You guys ready
12 on your clock? [background comments]

13 KEITH KINCH: Thank you. Good afternoon.
14 My name is Keith Kinch. I'm the co-founder of
15 BlocPower. BlocPower is a clean tech startup backed
16 by venture capital firms who were early investors in
17 Twitter, Facebook and LYFT. Block Power focuses on
18 helping cities to become greener, healthier and
19 smarter. Through our platform, Block Power connect
20 building owners, utilities, governments, contractors,
21 equipment providers and lenders allowing them to
22 share a common platform to target, monitor, analyze
23 and upgrade buildings. First, thank you for this
24 opportunity to comment today. We appreciate it.
25 Donnel and CEO of BlocPower and I are native New

1 Yorker, Brooklyn to be specific. So, this issue is
2 very important to us on a personal and professional
3 level. I'll go by simply stating that BlocPower
4 supports this bill. Legislation such as Intro 1253
5 brings the city one step closer to reaching a target
6 goal reduction on emissions by 2050. Focusing on
7 smaller buildings across the city that are the
8 biggest contributors to our carbon footprint per
9 square footage is indeed a huge step forward. There
10 are technical details in the bill that we would like
11 to work with the Council to address, and to ensure
12 the inclusion of low-income New Yorkers in the
13 transition to a carbon-free free future in New York
14 City. The first of these issues focuses on air
15 quality. In establishing greenhouse gas emission
16 limits in existing buildings, this bill should aim to
17 make air quality a priority. Data shows that
18 residents living in low to moderate income
19 communities have disproportionately high rates of
20 asthma, and asthma hospitalizations, emergency room
21 visits and missed school, work days. It is believe
22 that poor housing conditions exacerbated by poverty
23 contributes to high rates of asthma and associated
24 hospitalizations. We believe at BlocPower that the
25

2 Council has a unique opportunity to make a tangible
3 impact on this issue. The public benefits would be
4 immediate. The transition to cleaner and efficient
5 energy systems with a focus on air quality in more
6 building across the city would lead to the reduction
7 of air pollution from traditional pollutants such as
8 particulate matter and ozone. These pollutants are
9 associated with asthma attacks, hospital visits and
10 medical expenses. Healthier building correlate to
11 healthier children. Thin in turn means children
12 spending less time in the emergency room and parents
13 missing less time at work. Second, BlocPower
14 believes incentives, alternative forms of financing
15 as well as technical support must be made available
16 for building owners. This is particularly vital in
17 low to moderate income communities where historically
18 we've seen these communities struggle to access
19 capital, the lack of knowledge of our energy
20 efficiency and that leads to having lower conversion
21 of completing retrofits. BlocPower knows this first
22 hand because we serve as the implementation
23 consultant to the Community Retrofit NYC Program.
24 This program is geared toward buildings that are
25 roughly 25,000 to 50,000 square foot. We are tasked

1 with providing education, engineering, and management
2 advisory services to these building owners to help
3 them become energy efficient. We believe the
4 approach of utilizing incentives and providing
5 technical guidance will yield high conversion rates,
6 and energy upgrades. Finally, we would like to see
7 the development and not just the study of an
8 efficiency and environmental trading program. We
9 believe that this program would allow building owners
10 to buy energy savings from upgrades in other
11 buildings. We also believe the new Office of
12 Building Energy Performance established through this
13 bill, could oversee such a program. BlocPower lends
14 its expertise to the Council to strategize, develop
15 and implement this recommendation and many more.
16 Once again, I thank you, Costa. I thank the Council.
17 I think you for your passionate leadership on this
18 important issue. As a native New Yorker we are very—
19 Donnel and I are very proud of this city for taking
20 the first in the nation stand ensuring that global
21 leadership on this issue starts in New York City.
22 BlocPower look forward to working you diligently with
23 everyone with you and everyone here today as well as
24 the other members of the Council. Thank you.
25

2 CHAIRPERSON CONSTANTINIDES: Thank you
3 very much. Go ahead.

4 JONATHAN BRAMAN: [off mic] Good
5 afternoon. Thanks, Chairman--

6 CHAIRPERSON CONSTANTINIDES: To be on the
7 record, make sure you push that button.

8 JONATHAN BRAMAN: [on mic] Thanks. Good
9 afternoon and--and thank you, Chairman Constantinides
10 and the rest of the Council for your leadership on
11 this issue. My name is Jonathan Braman. I'm
12 delivering comments on behalf of Jeffery Perlman who
13 had to step out. Jeff--I'm the Vice President at
14 Bright Power. Jeffrey is the CEO and Founder of
15 Bright Power. We're one of New York City's leading
16 clean energy and energy efficiency companies. We
17 currently employ over 120 people in New York City
18 including engineers, energy auditors, analysts,
19 installers of solar installations as well as energy
20 efficiency. We've been growing 30% every year for
21 more than a decade, and we've worked with over a
22 thousand buildings in New York City. As a creator of
23 both jobs and carbon reductions, we welcome the
24 Council and the Mayor's leadership on energy and
25 climate issues. Regarding Introduction 1253, we

2 applaud the structure of this bill, which sets
3 ambitious targets for energy and emissions reductions
4 in New York City's larger buildings. We believe this
5 policy will have a strong positive impact on
6 businesses such as Bright Power and other players in
7 the energy efficiency industry creating good jobs,
8 increasing economic activity, and improving
9 buildings. We have four primary concerns with the
10 bill as it's drafted now: The schedule, the
11 implementation schedule is overly ambitious
12 particularly for 2024. We're concerned that trying
13 to hit targets this aggressively could lead to shoddy
14 work and detrimental boom bust cycles in the energy
15 efficiency contracting market. We recommend a more
16 steady ratcheting down of emission targets over time,
17 to reach the long-term goals. Renewable energy the
18 definition also needs work, which the bill should
19 define better what green energy sources are
20 acceptable, as others have said today to offset the
21 carbon emissions. In addition to renewable energy
22 systems at the buildings, we suggest that renewable
23 energy purchased from Community Solar or other
24 systems that feed New York's energy grid should be
25 allowed. As others have said, the—the building

categories are insufficiently nuanced. There needs to be more different limits a way of accounting for different categories of buildings, type of use, occupancy. As others have said as an example 9:00 to 5:00 office buildings and 24/7 hospitals shouldn't have the same emission standard. Finally, we think that it could be much more effective if-if better aligned with Introduction 1251 on the building grades. In the Energy Source Scoring System electricity use has a higher source EUI, which can lead to lower energy source scores. So, this means that a building that reduces carbon emissions by switching to electricity, could see its energy source score actually get worse. We've actually seen that 20% of multi-family buildings today would be under the 2022 limit in 1253, but receive a D under the before-under the proposed 1251 grades. We worked extensively with Energy Star, and we have-you know, we'd be happy to share our knowledge with you all to help roll out a New York City specific energy and carbon metric as soon as possible. Through our Bright Power Energy Scorecard's platform, and working with others including the Building Energy Exchange, we've done extensive research on understanding energy

2 performance of buildings in New York City, the drives
3 for energy efficiency and inefficiency. We'd be
4 happy to work with you and Council staff to develop a
5 CO2 reduction methodology that's fair, rigorous and
6 can get us to those long-term goals while being
7 grounded in a deep knowledge of New York City
8 buildings. So, to sum up, we feel that with
9 adjustments to the schedule the green energy
10 definition, the building categories, Introduction
11 1253 would result in a helpful new policy to lead New
12 York City toward economic growth and over the long
13 term, the 40 x 30 and 80 x 50 carbon goals. Thanks
14 very much.

15 CHAIRPERSON CONSTANTINIDES: Thank you.

16 Next.

17 JONATHAN BRAMAN: Thanks. [bell]

18 CHAIRPERSON CONSTANTINIDES: [coughing]

19 Alright. Go ahead.

20 GENEVIEVE SHERMAN: Thank you. Council
21 Member Constantinides, Speaker Johnson and members of
22 the—of the City Council. My name is Genevieve
23 Sherman, and I serve as the head of New Markets and
24 Partnerships for Green Work Funding, which is one of
25 the largest Commercial PACE lending companies in the

1 country. I'm here today to speak about Introduction
2 1252. Our company is active nationally, but we are
3 based just up the road in Darien, Connecticut with
4 offices in Maryland and in California. As you know,
5 Commercial PACE enables commercial, industrial,
6 multi-family and non-profit property owners to
7 overcome the steep upfront costs for water and energy
8 efficiency improvements by utilizing private
9 financing to cover up to 100% of the costs of these
10 capital improvements. This financing is done through
11 a voluntary contractual, Commercial PACE assessment.
12 That assessment is secured as a senior lien on the
13 property, which is the mechanism for attracting
14 private capital into the program. Cure Commercial
15 PACE programs, businesses and property owners save
16 typically more on their annual electricity and
17 utility and operating costs than the cost of the
18 financed improvements themselves. This program is
19 something can occur with no cost to taxpayers here in
20 New York City while having the impact of reducing the
21 cost of doing business in New York City, improving
22 property values, stimulate economic development and,
23 of course, reducing greenhouse gas emissions and
24 creating additional local contracting jobs. The
25

ordinance we are discussing today for Commercial PACE truly is one of the rare instances where everyone is a winner. For Greenworks over our four-year history we've helped hundreds of businesses and non-profits improve their facility and review efficiency through Commercial PACE. Often, and we heard the Council member say it this morning, property owners say that there's not enough capital, they don't have enough money to implement these costly improvements. I can tell you first hand from our four-year experience that investor interest in funding energy efficiency and renewable energy improvements with Commercial PACE is pretty much unlimited. Greenworks completed the very first rated securitization of Commercial PACE assets in 2017, which is about \$75 million of investment, and we were very excited to announce yesterday the closing of our second securitization of \$150 million in Commercial PACE improvements. The economic impact and environmental impact of these projects is also tremendous for cities. Greenworks lending these projects alone are already saving property owners over \$150 million in annual energy and utility costs, and we also estimate that the projects we have funded to date are saving over

2 350,000 megawatt hours of energy, which is about the
3 equivalent of reforesting an area about the size of
4 Manhattan, 25 square miles. So, really, you see the
5 impact in investment, economic development,
6 environmental benefits as well. I want to close by
7 recognizing the hard work of the Mayor's Office of
8 Sustainability on this as well as the New York City
9 Energy Efficiency Corporation in developing this
10 bill. Greenworks' funding origins are actually in the
11 public sector. My colleagues and I were active in
12 designing and then administering the Commercial PACE
13 program for the state of Connecticut for which I was
14 the Director for three years. That program had been
15 instrumental in really spurring interest in
16 Commercial PACE all over the Tri State area, and we
17 really understand more than most the important role
18 that the public sector plays in establishing these
19 programs. So, we just want to recognize that hard
20 work and close by saying that Greenworks' Funding is
21 tremendously excited about the opportunity to bring
22 Commercial PACE to the city of New York and to see it
23 coupled as a complementary program for these
24 additional Local Laws that are coming online that
25 will create requirements to reduce energy consumption

2 in buildings. [bell] So, thank you very much.

3 [coughing]

4 CHAIRPERSON CONSTANTINIDES: Next up.

5 BRACKEN HENDRICKS: Thank you very much,
6 Council Chairman and—and members. I want to pick up
7 where Genevieve just left off with the notion of
8 opportunity and I want to commend you for your
9 opening focusing on a vision of a green new deal, and
10 thinking about capital investment. A lot of this
11 hearing has been about strong standards and backstops
12 and benchmarking on—on the rule side. This panel is
13 to talk about capital investment and you heard the
14 advocate of co-op associations and other major
15 property owners talk about the need for where's the
16 money going to come from? The beauty of PACE is it's
17 private capital brought in to fund the transition
18 that's driven by strong rules and accountability, and
19 I—I want to salute you for marrying the incentives
20 with the resources. I'm Bracken Hendricks. I'm the
21 CEO of Urban Ingenuity. We are the Program
22 Administrator for Washington, D.C.'s PACE Program,
23 and I'm going to kind of cut to the—the core of my
24 remarks because the reason that I'm here is to focus
25 on the question of protecting tenants and protecting

2 affordability and looking at PACE as a tool for
3 driving equitable economic development in an urban
4 environment through green investments. I think that
5 you have the right tool with PACE. In the District
6 of Columbia we have invested in everything from a
7 large stadium to small gas stations and retail
8 projects and—and very sort of mom and pop
9 storefronts. The barriers in all of these situations
10 are real. The ability to access capital to make the
11 upfront investment that's needed to fund the
12 transition to clean energy is—is—is real for property
13 owners. I want to stress the value proposition of
14 PACE and how it works. PACE funds 100% of the capital
15 investment out of pocket with no—no direct investment
16 from the owner. So, it funds those infrastructure
17 projects whether it's a boiler replacement or those
18 advanced state-of-the-art sewer heat lining projects
19 that some of the other engineers were talking about
20 in infrastructure. Then you are not spending your
21 money out of pocket, but you also are saving money
22 because you're basically mining future energy savings
23 to pay the cost of debt service. So, you're aligning
24 the payment for capital with the savings as they're
25 realized. So, it's a very powerful tool in precisely

1 this situation. I want to drill down on the
2 experience that we've had in Washington, D.C. We
3 funded about a third of all of the projects that
4 we've done have been multi-family housing. That's
5 critical for the environment that New York City is
6 facing. We've also funded low-income housing tax
7 credit affordable housing. We've funded HUD approved
8 PACE projects. We've used tax-exempt proceeds and
9 stitched together revenue bond programs with PACE to
10 bring cheaper capital to non-profit and community-
11 based institutions to build highly valuable assets.
12 I also want to stress that in New York City you have
13 an incredible ecosystem of existing resources and
14 tools. The existence of the New York City Energy
15 Efficiency Corporation as the—the first local Green
16 Bank is critically important, and thinking about how
17 the mandates that you're putting forward can marry
18 with private capital, and the institutions that
19 you've already got whether it's something like NYCEEC
20 (sp?) or your housing finance agency, it's possible
21 to deploy cheap below market long-term capital for
22 some of the equity concerns that you're struggling
23 with now in managing the political reality of the
24 situation. Lastly, I want to say that in the context
25

2 of disaster resilience, some of the grid stability
3 issues that you're wrestling with and—and the other
4 challenges facing New York City in particular, PACE
5 can be incredibly valuable. In closing, I'd like to
6 just flag one thing that was a—a major takeaway for
7 us in the District of Columbia. We thought PACE was
8 going to work for Class A high end real estate in
9 high rent areas. What we discovered was that it's
10 most valuable for Class B and C and for storefronts
11 and for manufacturers and local job creators. Thank
12 you very much.

13 CHAIRPERSON CONSTANTINIDES: Thank you
14 very much. Next up.

15 DAVID GABRIEL: Thank you Chairman
16 Constantinides and members of the City Council who
17 are here, and I also want to acknowledge the—the good
18 and hard work on this extremely important issue that
19 the Mayor's Office—the Mayor and the Office of
20 Sustainability have put in and NYCEEC folks that
21 we've been working with. I'm David Gabriel. Since
22 the last eight years I've been the Executive Director
23 of PACE Nation. We're a national foundation funded
24 501(c)(3) non-profit that provides information and
25 resources to a growing marketplace. Our stakeholders

2 in the—in that PACE marketplace are state and local
3 governments, non-profits similarly missioned or
4 providing PACE program administration, entities like
5 NYCEEC, and a growing number of private sector
6 stakeholders. I'm pleased to be here on this panel
7 with Genevieve and Bracken who I've known for quite a
8 long time and Bracken particularly for the work that
9 he's done with multi-family housing. Our website is
10 a great source of information and data and I'd refer
11 you to that: pacenation.org. In the years that we've
12 been advocating for PACE financing, we now see 34
13 states who have PACE enabling legislation and
14 Commercial PACE programs active in 20 of them and the
15 District of Columbia. So, my other panelists have
16 talked somewhat about why—why PACE is effective
17 building owners. It's 100% financing. It's long-
18 term financing that matches the life of the assets
19 that are being—the measures that are being put in
20 place. It's transferrable upon sale. It's a great
21 solution for non-profits. Bracken has made tremendous
22 progress with multi-family housing in the New York
23 State program. A number of the projects have been
24 done for affordable housing in New York State. So,
25 this is why building owners like it, and why to date

2 for this—still in its infancy over 1,800 buildings
3 have used it, closing in on a billion dollars in
4 public financing. For the—for the—for the public
5 sector stakeholder at PACE why is it important? It
6 helps the public sector. It helps government achieve
7 its public policy goals. We're strongly in support
8 of 1252. That's what I'm here primarily to talk
9 about. We've reviewed the ordinance. One of the
10 things that we do is provide policy advice and
11 guidance. I'd acknowledge Alyssa Roth who is our
12 Director of Policy who is here today. She and I have
13 spent a lot of time working with the Mayor's Office
14 and with NYCEEC on this bill. I think it's a good
15 bill. I think NYCEEC is the perfect administrative
16 partner. It would create an open marketplace that
17 would allow capital providers and PACE project
18 developers to thrive in this very complex building
19 with a tremendous range large and small. One thing
20 we know in our data collecting on PACE is that works
21 for just about every type of building large and small
22 and just about every building sector, and I want to
23 emphasize non-profit and—and multi-family housing are
24 two key sectors where this PACE can make a real—a
25 real difference. It's important to note it's a 100%

2 voluntary. [coughing] You want to use this
3 financing you do. If you don't, you don't. I
4 learned about PACE when I was serving on my town
5 board in Bedford, New York and I would get calls from
6 counterparts up and down the Hudson River Valley, and
7 they'd say, Would you come and talk to us about what
8 Bedford is working on, and I would say to them in
9 closing, and I would say this because I think it
10 applies all stakeholders: It' a win-win-win-win.
11 It's a financing option that can be provided to
12 building owners. It helps them invest in projects
13 that they want and need to make their buildings more
14 affordable, more comfortable, more habitable. It's
15 100% voluntary. [bell] It's—it helps you achieve
16 your very aggressive policy goals. The Chairman said
17 we should turn over every rock. This is a rock that
18 can be easily turned over, and it's a huge job
19 creator, and these are American jobs, and much of the
20 materials that go into PACE projects [bell] are made
21 here in the United States.

22 CHAIRPERSON CONSTANTINIDES: Thank you
23 very much. Next up.

24 CLIFF KELLOGG: Good morning. My name
25 Cliff Kellogg, and I'm the Executive Director of the

2 CPACE Alliance, and we are a coalition of six of the
3 major capital providers CPACE Financing as well as
4 several leading law firms and an accounting firm.
5 The CPACE Alliance members have invested hundreds of
6 millions of dollars in CPACE projects across the
7 country and so we're happy to fully support the CPACE
8 Program that you are planning to launch here in New
9 York City. I won't review the many benefits of CPACE
10 as a tool because you've heard very effectively about
11 those. I'll mention that more than 1,700 CPACE
12 projects have been financed across the country almost
13 a billion dollars in financing as David said. So, we
14 believe that CPACE financing is appropriate for New
15 York City's building stock, which includes many older
16 structures that really are overdue and ready for
17 energy upgrades. Finally, we'd like to draw the
18 Council's attention to four areas where we think
19 there's an opportunity maybe in the rule making, if
20 not in the—in the language of the bill to strengthen
21 the program. The first is concerning the mechanism
22 for enforceability. We would appreciate more
23 certainty on the timing of the enforcement through
24 tax lien sales or foreclosures since this is entirely
25 in the city's hands and understanding that

2 enforcement mechanism matters very much to the
3 capital providers. Secondly, we believe that the
4 program administrator's fees should be kept
5 reasonable and low. Many successful programs operate
6 with administration fees around 1%, some even lower
7 with per transaction caps. We believe that annual
8 servicing fees should be intended only to cover the
9 program's direct out-of-pocket costs. So, we would
10 like to see this kind of language expressed in the
11 record in whatever way you feel is appropriate.

12 Thirdly, we believe that obtaining mortgage holder
13 consent for all commercial CPACE financing is a best
14 practice, and should be mandatory. Because unpaid
15 assessments are senior in priority to a traditional
16 mortgage, obtaining the lender's consent can avoid
17 problems from when a mortgage holder is saying that
18 it was unaware of the assessment later on. In our
19 view this requirement should be in the rules if not
20 in the bill itself for all Commercial PACE financing.
21 That's the practice in the vast majority if not all
22 of the other states that operate Commercial PACE
23 programs. Finally, we request your consideration for
24 deleting Section 11-3004. It subordinates CPACE
25 assessments to all other liens that are arising out

2 of taxes and assessments. Reducing energy
3 consumption is a public benefit just like sewer and
4 water charges and, therefore, it makes PACE
5 assessment less than the other taxes, undermines its
6 reception in the capital markets. If New York City
7 chooses to subordinate the CPACE assessment to other
8 charges, it may decrease the likelihood of collecting
9 assessments. It may raise the cost of capital, and
10 it will reduce the number of energy upgrades that are
11 ultimately undertaken. Thank for the opportunity to
12 support this bill. Our members look forward to
13 funding energy improvements in New York City. Thank
14 you very much.

15 CHAIRPERSON CONSTANTINIDES: Thank you
16 all very much. I have a myriad of questions but I
17 have no time in which to ask the ask them. [laughs]
18 So, what I will say is that I definitely want to hear
19 more about interactions in-in different locales in
20 relation to non-profits, and how you make that
21 transition, and how it makes sense so-

22 GENEVIEVE SHERMAN: We look forward to
23 being available when our time allows.

24 CHAIRPERSON CONSTANTINIDES: I-I will do
25 that when we're not in a-in a 7-hour hearing. So, I

2 thank you for your time. I appreciate your efforts.

3 Thank you very much. [background comments] Howard

4 Stiles, Local 94; John Forrester, DC37; McKenzie

5 Schwartz, National Grid; Jason Flack, Con Edison;

6 John Catunga—I hope I said that right-Catu. John, if

7 I've—John from Con Edison, if I'm pronouncing your

8 name wrong I apologize. With a name like

9 Constantinides I do my best. Frederick Goldner, New

10 York Chapter Association of Energy Engineers and

11 Annie Garnerville, NYC Employment and Training

12 Coalition. [background comments, pause] Alright, go

13 ahead.

14 JASON LITWAK: Alright. Good afternoon.

15 My name is Jason Litwak. I'm the Director of

16 Government Relations for Con Edison. I'm joined by

17 my colleague John Catuogno our Director of Resource

18 Planning and Forecasting. Our comments today are

19 focused on Con Edison's role in supporting New York

20 City's greenhouse gas emission reduction goals and

21 how Intro 1253 affects Con Edison's customers and the

22 energy infrastructure that supports them. Building

23 emissions reduction mandates like those in this

24 legislation are essential milestones to meeting the

25 city's goal of 80 x 50. To best meet the

1 decarbonization goals, the prepper (sic) of
2 sequencing is essential. In other words, we first
3 need significant builder and wind access and the
4 transmission facilities to deliver green electrons to
5 our customers must be built. That way the
6 infrastructure is there to support emission reduction
7 mandates as they're implemented. We—our customers
8 want clean, safe, reliable power, and Con Edison is
9 committed to taking the necessary steps to advance a
10 clean energy future. In fact, once a business
11 acquisition is finalized, Con Edison Incorporated
12 will become the second largest solar provider in
13 North America. Con Edison asks for your support for
14 all the puzzle pieces that will ensure Intro 1253 is
15 a success. These include utility ownership of large
16 scale renewable generation to take advantage of low
17 cost capital and other business energies as well as
18 the necessary infrastructure to go with that. Making
19 energy efficiency programs a growing and important
20 part of our core business. Ensuring that battery
21 storage, which improves greater resiliency and
22 reliability is permitted and becomes an integral part
23 of our energy infrastructure as well as support for
24 our Smart Meter Technology and its implementation.
25

2 Nowhere is Con Edison's support for reducing
3 greenhouse gas emissions in the city more evident
4 than our recent and unprecedented partnership with
5 the city and National Grid to jointly fund and
6 conduct a study, which will identify pathways to
7 achieving 80 x 50 reductions, and the results of this
8 study will be released a year from now before the
9 mandates of this bill take effect. But Con Edison
10 expects the study will inform and shape future energy
11 use metrics, and those metrics will be created by the
12 task force established by this bill, and we would
13 request that language be placed in the bill that
14 guarantees our role in that task force. Now, we
15 understand that this is not an electrification bill,
16 but we believe that without the proper sequencing of
17 underlying strategies, as I mentioned, more
18 renewables. Transmission for those renewables,
19 emission limits mandated by this legislation will
20 increase not only buildings' electricity usage, but
21 also customer bills and costs. And increasing
22 electrification is certainly a worthy goal, but one
23 simply does not get the environmental benefits of
24 electrification until carbon intensity of the energy
25 supply is substantially reduced and to realize those

2 benefits, you need a greener rid, and simply put
3 we're not there yet. And finally, and significantly
4 in its current form this legislation makes no
5 exceptions for buildings under the exclusive control
6 and use of electric, steam and gas utilities
7 regulated by New York State Public Service Commission
8 that are exclusively used for the purpose of
9 generating, storing and transmitting, and regulating
10 and delivering these energy commodities. For
11 example, as currently drafted this legislation will
12 have the effect of curtailing green energy produced
13 by utility companies, thereby frustrating its goal of
14 building—of reducing building GHG emissions, and I'll
15 explain. Con Edison operates steam generating plants
16 some of which produce electricity, and these
17 facilities are currently subject to the provisions of
18 1253. Our steam system provides significant
19 environmental benefits by reducing the need for on-
20 site boilers and chimneys at customer premises, and
21 thus aligns very well with the spirit of this
22 legislation by avoiding approximately one million
23 tons of CO2 emissions per year through the use of
24 cogeneration. Therefore, to allow this legislation
25 to reach its full potential, an exception for these

2 Con Edison [bell] steam generating facilities and
3 other similar energy related facilities is necessary,
4 and we look forward to working with you on that, and
5 appreciate the opportunity and would be happy to
6 answer any questions you may have.

7 CHAIRPERSON CONSTANTINIDES: Does John
8 have any testify or you guys are just--.

9 JOHN CATUONGNO: [off mic] I'm good,
10 Council Member.

11 CHAIRPERSON CONSTANTINIDES: Oh, you're
12 good. Okay, great. I didn't know if you guys were
13 doing it four minutes a piece.

14 JOHN CATUONGNO: Yeah, two for one.

15 CHAIRPERSON CONSTANTINIDES: You get
16 extra points for not doing four minutes a piece.
17 [laughter] Go ahead.

18 MCKENZIE SCHWARTZ: Good afternoon. My
19 name is McKenzie Schwartz. I am Climate Change
20 Compliant Analyst at National Grid, and I want to
21 thank you for the opportunity to offer our support
22 for the objectives of this legislation. [background
23 comments] Climate change is the greatest challenge
24 facing humanity, and it's also the greatest challenge
25 that--challenge facing the energy industry. National

2 Grid believes in the science of climate change, and
3 wealth of blueprints to drastically reduce emissions
4 in the Northeast, 80% by 2050. We call this our
5 Northeast 80 x 50 Pathway. This properly aligns with
6 New York City and New York State and Northeast Clean
7 Energy Transition Policies to help reduce greenhouse
8 gas emissions by 2050, and it also aligns with this
9 proposed piece of legislation. We're a strong
10 advocate for policy and regulatory mechanisms that—
11 that provide reasonable methods to achieve emissions
12 targets in a reliable and an affordable way, and we
13 look forward to the opportunity to collaborate with
14 the city on this piece of legislation. For National
15 Grid climate change is not a political question, but
16 a scientific fact. We believe that innovation and
17 diverse stakeholders will be needed to reach the
18 clean energy future we're all hoping for. We're
19 happy to join with New York City Council in its
20 pursuit to combat climate change through this
21 proposed legislation. National Grid is also c-
22 sponsoring the study that Con Edison mentioned with
23 the Mayor's Office of Sustainability and Con Edison,
24 and this is to begin the process of evaluating
25 different pathways to achieve 80 x 50 in a manner

1 that's safe, affordable and reliable for our
2 customers. The alignment of these efforts with the
3 pieces of legislation we're discussing today will
4 help us achieve the greenhouse gas reductions we're
5 all hoping for, and while we pursue this goal,
6 National Grid will continue to look for ways to
7 reduce carbon emissions for our customers in cost-
8 effective manners. At National Grid we've already
9 taken concrete steps to move toward a clean energy
10 future. We're modernizing our infrastructure to meet
11 21st needs, and we continue to connect our customers
12 with renewable energy. We continue to show our
13 commitment so that future through innovative projects
14 such as our four gas rail (sic) projects. We're
15 incorporating cogeneration, gas command (sic)
16 response; Smart Homes and Geothermal technology and
17 through partnership with the New York City Department
18 of Environmental Protection. We're also
19 incorporating renewable natural gas at the Newtown
20 Creek Wastewater Treatment Plant facility. Over the
21 years we've partnered with New York City to phase out
22 Number 6 and Number 4 heavy oils, and have done so in
23 approximately 800 buildings. We're looking for
24 opportunities to also address emissions from the
25

2 transportation sector and we'll continue to play an
3 important role in transforming the heat sector
4 through energy efficiency and from oil to gas
5 conversions. Those who convert from oil to natural
6 gas enjoy increased convenience, a price discount
7 compared to comparable fuels and emissions
8 reductions. Each year in New York City and Long
9 Island, we connect around 8,000 customers to our
10 natural gas network. This is the equivalent of
11 pulling over 500,000 cars off the road for over a
12 year, and as we bring on additional sources of
13 renewable natural gas, like our facility at Newtown
14 Creek, we will begin to decarbonize the gas networks
15 through which we deliver energy to our customers.
16 For nearly a decade National Grid has provided
17 customers with award winning energy efficiency
18 programs, and it helps tens of thousands of therms
19 each year reducing energy use and carbon footprint.
20 In 2017, we provided over 20 million in energy
21 efficiency services and incentives, which save our
22 customers more than \$4 million therms each year. We
23 also offer a variety of rebates and incentives on
24 energy efficient—efficient products, which help
25 customers save energy and money, and every year we

2 process more than 9,000 customer energy efficiency
3 rebates. We're in the process improving this process
4 and we're launching an ecommerce site, which will
5 provide customers instant rebates on all energy
6 efficiency measures, and we're partnering with Con
7 Edison to offer a new one-pipe steam-steam system
8 energy reduction program. At National Grid we're
9 committed to doing more to help our customers [bell]
10 make more informed energy choices, and develop new
11 energy products and services for our customers. We
12 look forward to working with the City to finalize
13 this legislation, and apply our solutions to help the
14 city get to 80 x 50.

15 CHAIRPERSON CONSTANTINIDES: Alright.

16 Thank you for your testimony. I will say, though that
17 to the utilities we are--there was a conversation
18 earlier today about, you know, the opportunities for
19 renewable energy sources and incentives to instead
20 do, you know, natural gas, a monetary reward for not
21 doing renewables, doing natural gas. What is the
22 policy of National Grid and Con Edison when someone
23 comes to you and says, I want to do a geothermal? I
24 want to do a solar array. I want to do something
25 that's renewable. Are you offering financial

2 incentives for them not to do that to instead use
3 natural gas?

4 JOHN CATUOGNO: Do you want to go first?

5 MCKENZIE SCHWARTZ: I'll—I'll take that
6 first, and that's a very important question.

7 CHAIRPERSON CONSTANTINIDES: Because
8 natural gas isn't green. You can pretend it is, but
9 it's not. [laughs]

10 MCKENZIE SCHWARTZ: No, it this is--

11 CHAIRPERSON CONSTANTINIDES: [interposing]
12 Like where you get the gas from like is bad.
13 [laughs]

14 MCKENZIE SCHWARTZ: It's an important
15 clarification to make and then in New York City we're
16 just a gas utility, but we do we have electric
17 operations in other parts of the Northeast. We do
18 currently offer incentives for our customer—for
19 customers to switch from oil to gas because that's
20 legacy of phasing out heat heavy oil.

21 CHAIRPERSON CONSTANTINIDES: Uh-hm.

22 MCKENZIE SCHWARTZ: We are working right
23 now on being able to offer the opportunity to offer
24 customers other solutions as well, but as it stands
25 as gas utility in Downstate New York, the solution we

2 have is-is gas, and I'd also like to make the point
3 that we're working on finding ways to deliver clean
4 energy through our gas network, and I'd be happy to
5 discuss this with you as well.

6 CHAIRPERSON CONSTANTINIDES: Okay, thank
7 you. I have a follow-up to that, but I'll-I'll let
8 John go first.

9 JOHN CATUOGNO: Do you want to-you want.

10 CHAIRPERSON CONSTANTINIDES: No, no, I
11 mean that I want to hear what your answer is first
12 and then see whether my follow-up works.

13 JOHN CATUOGNO: Okay. So, Con-Edison does
14 offer rebates for natural gas customers that switch
15 from oil to gas in the spirit of their Clean Heat
16 bill in the New York City--

17 CHAIRPERSON CONSTANTINIDES: Uh-hm.

18 JOHN CATUOGNO: --and Con Edison offers
19 incentives if they qualify for energy efficiency.
20 So, if they have an old efficient-inefficient boiler
21 and switch to a more efficient boiler, or programs
22 that are aligned win energy efficiency, they will get
23 some rebate. This-these rebates align totally with
24 the spirit of this bill. As far as geothermal and
25 other clean heat initiatives that are coming on, Con

2 Edison launched its Smart Solutions Program this
3 year. That is still being developed, but those will
4 provide incentives for reduced gas usage, more energy
5 efficiency on the gas side, and alternatives to
6 natural gas.

7 CHAIRPERSON CONSTANTINIDES: So, we're
8 not off, but here's my, and I really want to drill
9 down on this. We're not offering incentives. I
10 agree with you that we should be offering incentives
11 to go away from dirty 6 and 4 oil to natural gas as
12 a-as a bridge possibly, but I wouldn't say that we're
13 not going to offer it to someone who wants to do
14 geothermal. We're not going to say to them no, no,
15 no, here take \$2 million and do natural gas instead,
16 right?

17 JOHN CATUOGNO: [interposing] No, they're
18 not-

19 CHAIRPERSON CONSTANTINIDES: [interposing]
20 That's going in the wrong direction, right?

21 JOHN CATUOGNO: [interposing] No, they're
22 not-absolutely not.

23 CHAIRPERSON CONSTANTINIDES: Do we all
24 agree on that?

2 JOHN CATUOGNO: They're not going to be
3 competing with each other.

4 CHAIRPERSON CONSTANTINIDES: They're not
5 going to be competing.

6 JOHN CATUOGNO: Right, they will not be a
7 disincentive to go to natural gas over another.

8 CHAIRPERSON CONSTANTINIDES: I am—I am
9 glad you're saying that on the record.

10 JOHN CATUOGNO: Okay.

11 CHAIRPERSON CONSTANTINIDES: [laughs]
12 Alright, I agree. I appreciate that. Moving
13 forward, thank you.

14 JOHN CATUOGNO: [off mic] Good afternoon
15 and thank you for--

16 SERGEANT-AT-ARMS: You to the mic on?

17 CHAIRPERSON CONSTANTINIDES: Let's make
18 sure the mic is on or you're not on the record.

19 ANNIE GARNEVA: That part?

20 CHAIRPERSON CONSTANTINIDES: There you
21 go. Now—now—now you're real.

22 ANNIE GARNEVA: Thank you. Good
23 afternoon and thank you for giving members of the
24 public and various impacted communities the
25 opportunity to testify on this legislation that will

1 tackle twin imperatives that drive our current and
2 near future, climate breakdown and rampant economic
3 inequality, which are [coughing] are two main things
4 that this Administration has centered around their
5 fair cities. My name is Annie Garneva, and I
6 represent the New York City Employment and Training
7 Coalition, which works to support the Workforce
8 Development community to ensure that every New York
9 has access to the skills, training and education
10 needed to thrive in the local economy, and that every
11 business is able to maintain a highly skilled
12 workforce. With over 150 members, which include
13 community based organizations and educational
14 institutions and labor management operations. We are
15 connected to the entire Workforce Development system
16 in the city, and work to drive policy forward. I'm
17 also testifying as an active member of Sane Energy
18 Project, which is a grassroots organization committed
19 to replace fracked gas infrastructure with community
20 led sustainable energy across New York State. So,
21 from the Coalition perspective, I have come to
22 understand the negative lifelong consequences that
23 2.1 million New Yorkers face each day who are either
24 under-employed or out of work, and with our clear
25

2 pathway toward job, career-job, career or self-
3 sufficiency for themselves and their families. This
4 struggle has been exacerbated by under-investments in
5 economic and work pursuant programs for all residents
6 weakening access to economic opportunities for those
7 within our communities that need it most. This is
8 why the coalition is here today with so many voices
9 lending our support to Intro 1253, which would both
10 drastically decrease climate pollution as well as
11 create thousand of high quality jobs for local
12 residents. If enacted and strongly enforced, the
13 legislation would push a large increase in owners-in
14 owners—I don't know what that is. At a minimum, the
15 passage of this bill is projected to create more than
16 4,000 jobs per year with potential for more as the
17 energy efficiency sector grows and solidifies itself
18 in a more robust market, which we seem to have the
19 capital to do. Energy efficiency upgrade would
20 create jobs in everything from upgrading building
21 systems such as HVAC, boiler and radiation controls,
22 weather stripping to improve the installation of LED
23 lighting not to mention renovation and construction,
24 which are all very high quality middle-class jobs in
25 the city that are severely lacking. In fact, `120-

153 (sic) finds the implementation of similar-similar energy efficiency mandates between 2015 and 2050 including reaching net energy by 2030 will create approximately \$5.8 billion in construction each year and create over 82,000 new jobs annually. These estimates include 33-33,000 construction industry jobs, which are direct, 26,000 indirect jobs in fields like transportation and administration, and 24,000 induced jobs in fields like retail and hospitality. Not only are these good quality jobs with strong middle-class wages and well defined opportunities for advancement, they're also accessible to a variety of communities that have been excluded from economic growth including low-income communities and communities of color. These would also be local jobs that cannot be outsourced and to ensure access to these jobs in the viable workforce, will require targeted investments from the city, and employers and quality training programs and that build a strong talent pipeline. I would like to also echo previous mentions of around entering the training programs actually tied to Environmental Justice not just of low-income communities. Quality training programs with partnerships already exist

2 between providers and businesses. I would like to
3 focus just on one program, Green City Force here in
4 the city, [bell] which partners with a company called
5 Franklin Energy, which in the past years alone have
6 connected 30 young people from NYCHA residences to
7 these jobs and are working with them to create a
8 talent pipeline. So, this is a gift, and we should
9 make sure that training dollars are part of this
10 legislation.

11 CHAIRPERSON CONSTANTINIDES: I'm a big
12 fan of Green City Force by the way.

13 ANNIE GARNEVA: Thank you.

14 CHAIRPERSON CONSTANTINIDES: They do
15 really, really great work.

16 ANNIE GARNEVA: They are wonderful.

17 CHAIRPERSON CONSTANTINIDES: So, I
18 wholeheartedly agree with you.

19 ANNIE GARNEVA: Glad to hear it.

20 CHAIRPERSON CONSTANTINIDES: Next.

21 MALE SPEAKER: Is that on? Okay. I
22 submit these comments regarding Introduction 1253 on
23 behalf of the New York Chapter of the Association of
24 Energy Engineers. AEE is a non-profit professional
25 society of 18,000 members in 100 plus countries. Our

2 chapter has been in continuous operation since 1979
3 with a membership of professionals specialized in
4 energy efficiency and facilities of all types. As
5 such, we represent one of the deepest energy
6 knowledge resources for the city. AEE supports the
7 goals of the proposed bills to effectuate major
8 improvement across the building stock and
9 significantly reduce energy use and associated GHG
10 emissions. We applaud the proposal to create a
11 permanent office, advisory board, working groups and
12 various forms of owner assistance dedicated to this
13 goal. The GHG emission reductions by upwards of 50%
14 as suggested by this legislation are much greater
15 than those achieved to date by Local Law 87, which we
16 believe this Local Law should replace. Rather than
17 expending capital and resources on the paper
18 compliance, LL 87 has become, property owners should
19 focus on and fund activities that directly achieve
20 emission levels called for here. However, these
21 emission reductions will require significant
22 investment from owners and building management,
23 investments that will take time to identify, design,
24 procure and install successfully and effectively. As
25 energy professionals long active in this industry, we

1 know that mountains don't move overnight and
2 practical realities involved with citywide building-
3 upgraded building stock are—that it will take more
4 than the three years currently allowed to be
5 effective and long-lasting. We caution the reduction
6 quantities and even maybe the timelines must be
7 realistic. As presently proposed, they may not all
8 be. We advise revising the bill to include such
9 language that GHG levels can be offset through the
10 period. (sic) No more than 25% REX. We also note
11 that since few A&E firms have the requisite energy
12 expertise, this legislation will require substantial
13 professional development training and like LL87
14 should require a credential energy expert such as a
15 certified energy management to certify building
16 emissions compliance reports. We highly caution
17 against the proposed variance mechanisms as we
18 believe such variances will elicit an outpouring
19 special pleading ultimately leading to complaints
20 about favoritism and corruption. Rent regulation
21 properties do require special consideration, but
22 complete avoidance (sic) will exclude a significant
23 portion of the building population from regulation
24 and the potential savings therein. A mandate should
25

1 be included to develop a specific solution for this
2 segment within a year after passage of the
3 legislation. With respect to Intro 1251 on energy
4 grading, we question the proposed adjustments and
5 instead suggest expanding the C score from 35 to 70
6 moving the D from 70 to 85. This more closely
7 matches portfolio manager and provides owners with a
8 reasonable chance to improve their building energy
9 grade especially for those at the lower end of the
10 score, the highest energy users where improvement is
11 critical for citywide progress. Numerous case
12 studies that I could spend four hours lecturing on
13 demonstrate that the opportunity for improvement and
14 positive feedback results in greater change. As
15 currently written, those buried at the low end of the
16 proposed D threshold of 55 may just see no hope of
17 getting to a better grade and not try to improve,
18 which is against where you are trying to go. Our
19 Board of Directors has some serious and more detailed
20 comments including on 1251 and 1252, which we
21 expressed in our full written submissions. We
22 appreciate the opportunity to express to you today
23 our most salient concerns. [bell]

2 CHAIRPERSON CONSTANTINIDES: I thank—and
3 you did it right on time. So, I thank you all for
4 your testimony. I look forward to working with you
5 all. We've had conversations in the past. I look
6 forward to continuing those conversations. Thank
7 you. Next up we have Annel Hernandez from NYC
8 Environmental Justice Alliance; Adivi Varsamua. I
9 apologize again if I pronounce your name wrong. We
10 Act for Environmental Justice; Elizabeth Kelly, the
11 Community Conservation Corporation; Paula Spear, 350
12 Brooklyn; Jackie Weisberg, 350 Brooklyn; Margaret
13 Perkins, 350 NYC Dataworks.(sic) [background
14 comments, pause] Alright, great. We started on this
15 time—the last panel. I'll start on this side for this
16 panel. Go ahead. [pause]

17 JACKIE WEISBERG: Hi. My name is Jackie
18 Weisberg, and I am speaking as a volunteer with 350
19 Brooklyn, a local affiliate of 350.org. We are
20 dedicated to fighting climate change on a local
21 level. I will speak briefly from my notes from my
22 testimony, and then from my notes that I took as I
23 was listening to people speak today. New York City
24 has an opportunity right now to lead in the fight
25 against climate change. The Intergovernmental Panel

2 on Climate Change in a recent report by the federal
3 government demonstrate that action on climate change
4 must happen right now. However, we know action will
5 not be taken on the national level. That's why we
6 need action to take place local here and especially
7 here in New York. [coughs] The bills that are being
8 discussed can put New York City on a pathway to be a
9 true global leader. This is the first and the best
10 legislation of its kind in the world. Our city
11 skyline symbolizes very much what the rest of the
12 world sees in us: Our determination and our grit.
13 So, it would be incredible for our city skyline to
14 take on even more meaning to show it can be clean
15 energy efficient city in the very big city
16 environment. We can be clean and sustainable. We can
17 show the whole world what everyone needs to do. If
18 we don't pass strong legislation to reduce emissions
19 from our dirty buildings, then our city skyline will
20 indeed look very differently, as it will be under
21 water. Cutting greenhouse gas pollution at the speed
22 provided in the bills before the City Council are
23 necessary according to the world's best science. The
24 highly regarded Naturalist David Attenborough recent
25 told-recently told leaders at the UN Climate Senate

1 that the state of the world is in their hands, and
2 that the collapse of civilization and the natural
3 world is on the horizon. So, now I'm ready from some
4 notes that I took because I have some time. [coughs]
5 So, I'd like to state our concerns about the proposed
6 Williams Pipeline that is projected to run along our
7 shore from Staten Island to the Rockaways. If this
8 pipeline goes forward, it will dredge up toxins and
9 TCBS with grave consequences to the oceans wildlife,
10 and to our beaches and the--

11
12 CHAIRPERSON CONSTANTINIDES: [interposing]

13 If-if we can just keep it germane to the three leg-
14 pieces of bills today, we have--we'll have lots of
15 other hearings, but this has to be about these bills
16 today. I'm sorry.

17 JACKIE WEISBERG: Well, the concern is
18 that the Williams Pipeline will leak Methane, which
19 will contribute substantially to the emissions in our
20 city, and if we're going to be dealing with the
21 carbon emissions, we have to be thinking about
22 Methane emissions, which are actually staying in the
23 environment as I understand it--

24 CHAIRPERSON CONSTANTINIDES: Uh-hm.

2 JACKIE WEISBERG: --80 times longer than
3 carbon. So, our concerns are very much about this
4 fracked gas, and the natural gas that they have been
5 talking about the last few panels that natural gas is
6 actually fossil fuels--

7 CHAIRPERSON CONSTANTINIDES: Uh-hm.

8 JACKIE WEISBERG: --and that we need to
9 get off of them as you saw--

10 CHAIRPERSON CONSTANTINIDES:

11 [interposing] I don't disagree.

12 JACKIE WEISBERG: Okay. So, that's
13 basically my concern at this time.

14 CHAIRPERSON CONSTANTINIDES: Okay, great.
15 Thank you.

16 PAULA SPEAR: [off mic] Hello. Good
17 afternoon. [on mic] I'm Paula Spear. I'm a resident
18 of Bay Ridge, Brooklyn and a volunteer with 350
19 Brooklyn and--

20 CHAIRPERSON CONSTANTINIDES: Uh-hm.

21 PAULA SPEAR: --Jackie's organization,
22 and we are dedicated to fighting climate change on a
23 local level. I understand that over two-thirds of
24 New York City's carbon emissions come from wasteful
25 heating of buildings. Most are--mostly residential. I

2 live in an old apartment block that puts out so much
3 heat I have to keep my windows open through most of
4 the heating season. Practically all my life I've been
5 worried about global warming, and here I am
6 helplessly sending wasted heat into the air. With
7 the City Council's new legislation, my building will
8 get with the program. I'm a little nervous about
9 what it would take to make my building more energy
10 efficient. It has already made the conversion to
11 cleaner heating oil. I think it's natural gas and
12 this pipe, the Williams Pipeline is planning to
13 export to Europe. So there is this concern about the
14 competing things, but we do what we can now. So, the
15 next step is likely going to be more rigorous in my
16 building. Will it mean a large co-op assessment?
17 Will window replacement be messy and disruptive?
18 Will the improvement result in higher property taxes?
19 Well, if it does I will have to abide the plaster
20 dust and do some budgeting. Climate change is an
21 emergency, and we should all be more than ready to
22 accept the inconvenience and loss of money in order
23 to stave off disaster. I do hope that the financial
24 hardship is lightened for those New Yorkers who
25 barely get by. I know the Council has worked hard to

2 structure its requirements so as to avoid triggering
3 major capital improvement ratings and most rent
4 raises on rent controlled buildings, and I hope that
5 the real estate industry operates in good faith to
6 comply with the aims of this—this legislation. It is
7 important that tenants in rent controlled apartments
8 not lose their foothold in our city, but it's also
9 important that you move now and not late for Albany
10 to fix things. So, I agree with your exempting them
11 now, and then do what you need to do later on. I also
12 respect that the logical starting target is larger
13 buildings of which I suspect mine is one, and that
14 there may be inefficient smaller buildings, which are
15 least temporarily let off the hook. This is okay.
16 It's compromised. This is how we're going to get
17 things done, and also it was mentioned that you're
18 expected to send the right signals to building
19 managers so they know what to do 50 years from now. I
20 think that's unreasonable. You don't have to try to
21 do the best you can do to set things up, which you
22 obviously have, but you need to hold your ground and
23 move forward with this. You can't be asked to have
24 perfect legislation. The climate change is going to
25 move under us. We're going to have to re redo some

2 things. That's just built into the fact that we've
3 waited too long to do this. So, we're—I'm happy
4 about the good jobs and I—I think the most important
5 thing we might be doing now is to take a concrete
6 step taming any fantasies that we live in some
7 science fiction outer planet space, and can ignore
8 climate change. We won't have an economy. We won't
9 have social status, and our children won't have life
10 if we don't have a planet, and I'm happy about the
11 cleaner air that we're going to get with your
12 legislation. Young New Yorkers have not only the
13 asthma problems that you mentioned this morning, but
14 their lungs don't grow normally with all of these
15 particulates in the air. So, this is a great thing,
16 and this-this Green New Deal we're hearing about at
17 this time, even this is really a significant thing if
18 this is happening at the city level. You all deserve
19 great, great [bell] for your work. Thank you very
20 much.

21 MARGARET PERKINS: [off mic] Good
22 afternoon. My name is Margaret Perkins and I'm a
23 member of--

24

25

2 CHAIRPERSON CONSTANTINIDES: [interposing]

3 So, you—you turn on the microphone. I don't hear you
4 that well. Make sure the red light is on.

5 MARGARET PERKINS: Yep.

6 CHAIRPERSON CONSTANTINIDES: There you
7 go.

8 MARGARET PERKINS: Thanks. My name is
9 Margaret Perkins, and I'm—I'm a member of the local
10 climate group 350 New York City, and we advocate for
11 political and social solutions to reduce greenhouse
12 gases and Intro 1253 is it. This is the most
13 important bill that has come up in the Council
14 probably since the date—the 84 bills, and we
15 anticipate it's going to be passed.

16 CHAIRPERSON CONSTANTINIDES: We--.

17 MARGARET PERKINS: Thank you

18 CHAIRPERSON CONSTANTINIDES: [interposing]
19 That's the plan.

20 MARGARET PERKINS: [laughter] Thank you,
21 Councilman Constantinides and the other climate
22 champions including my own Councilperon Helen
23 Rosenthal. So, from the outset we should say that we
24 [coughing]--and this is in response to testimony
25 we've heard this morning—we are very much opposed to

1 changing the timeline of this bill. The reason for
2 introducing the early timelines to 2022-23 is because
3 you have a percentage of buildings about 10% that are
4 extreme polluters, and they know they are extreme
5 polluters, and if they had been complying with the 84
6 benchmarking in there or 87, they would have already
7 done something about it. They haven't done anything
8 about it. The only way they're going to do anything
9 about it is if it's mandated and, therefore, we agree
10 with that early compliance in 2022-23 and that they
11 are fine at that point. Otherwise they have proven
12 they're not interested in doing anything and this
13 what the purpose of this bill is, and we also are in
14 agreement with the metric. There's been a lot of
15 discussion about this metric of metric tons of carbon
16 equivalent per square foot. It's a very equitable
17 metric because it's standard. In the bill now it's
18 standardized to do it in useful schools (sic) still
19 have a higher target than residential. So, you know,
20 when we hear hospitals saying, you know, they can't
21 meet targets, it's built in that they—these—the law
22 now recognizes that they have higher energy intensity
23 use. So, we think that these are excuses by a lot of
24 these buildings that they don't want to do these
25

1 early compliances, but they have no instance that 84
2 was published and LL84 was published and I think the
3 first database was 2013. Correct? That, you know,
4 they have high emissions and they have to bring them
5 down. But I just want to focus on one last issue
6 that I feel was Intro 250 NYC who has not been
7 covered, and this has to do with tenant involvement.
8 The bill as currently written indicates that
9 buildings retrofitting plans and execution will be-
10 will be submitted and executed by the building
11 management, but we would like to suggest that the
12 systems and outreach and education as outlined in
13 Sections 28-320.5 and 320.6 include not just the
14 building management, but also the tenants of
15 residential buildings. We estimate that if we
16 include the rent regulated apartments, which
17 hopefully we will at some point they should-there
18 will probably be 2 million households that will be
19 subjected to this law, possibly more. And we feel
20 that the changes in the building management are only
21 going to come about when the tenants are informed and
22 activated and motivated. To achieve this we
23 recommend greater attention to funding in this new
24 office of Buildings Energy Performance to strengthen
25

2 tenant involvement in the transition to greater
3 energy efficient—efficiency in their buildings. This
4 will be particularly pertinent in low—low-income or
5 middle-income housing, which has a history of
6 building managements that ignore a lot of their
7 concerns and we see this on a daily basis. There's
8 no reason to believe that they're going to treat this
9 bill any different from any other bill that mandates
10 that they do certain repairs and upgrades. So, just
11 to conclude [bell] to conclude, the retrofitting and—
12 and the emissions reductions authorized in 1253 is an
13 opportunity to give tenants more information about
14 green energy use, and as we have transitioned beyond
15 2030 where the emissions can--

16 CHAIRPERSON CONSTANTINIDES: [interposing]
17 If you can start to wrap up. We need to keep things
18 moving. I'm sorry.

19 MARGARET PERKINS: [interposing] Okay,
20 even more—more stringent and we have to transfer to
21 electric grid a green electric grid. We feel tenant
22 involvement is crucial to the successful completion
23 of that transition.

24 CHAIRPERSON CONSTANTINIDES: Thank you
25 very much. Hello.

2 ADDIE VARSHINI: Good afternoon
3 everybody. My name is Addie Varshini and I'm a
4 Community Organizer with React for Environmental
5 Justice. React is a member of the Climate Works for
6 All Coalition, and supports Intro 1253. New York
7 City is a global leader on climate change. We were
8 the first city in the world to create a plan to meet
9 the goals of the Paris Climate Agreement. We stepped
10 up and committed to the agreement despite our
11 nation's short-sighted withdrawal. New York City can
12 and should continue to lead and inspire other cities
13 to take bold action on climates. Intro 1253 is a
14 historic bill, which not only hits the emission
15 reduction targets, UN Climate scientists see
16 necessary to avoid catastrophic climate change, but
17 also addresses the needs as low-income communities
18 and communities of color who are disproportionately
19 burdened by the impact of climate change. This
20 legislation has the potential to strengthen
21 communities by creating thousands of good local jobs
22 each year, and fields that construction and
23 renovation. This is especially meaningful to
24 communities like ours in Northern Manhattan, which
25 suffer particularly higher rates of unemployment.

2 The involvement and empowerment of labor is crucial
3 to an equitable carbon-free future, and this bill
4 would help New Yorkers of color participate and end
5 their Batchley (sic) benefit from the emergent clean
6 energy economy. Climate policy which meets ambitious
7 emissions targets at the expense of affordable
8 housing is displacement policy. That's why we
9 support this bill's creation as an alternate
10 compliance pathway for rent regulated buildings in
11 order to prevent unfair permanent rent increases
12 through the State MCI Rule. However, like my
13 colleagues who spoke before me, we urge the Council
14 to consider incorporating the building partnership,
15 recommendations into this bill. We have proposed a
16 prescribed set of low-cost upgrades that would allow
17 rent regulated buildings to achieve additional energy
18 efficiency gains on top of those produced by Local
19 Law 87 while still avoiding MCIs. This would make
20 sure neighborhoods with high concentrations of rent
21 regulated buildings like where I live in Washington
22 Heights and Inwood where 86% of total rental units
23 are regulated, and still benefit from air quality
24 improvements from emissions reductions. Many of
25 these same neighborhoods have disproportionately high

2 rates of asthma and respiratory illness, and some
3 low-income areas of the city, as I'm sure many of you
4 know, the child asthma rate can be 1 in 4. So,
5 passing this bill will benefit our community health.
6 We would also like to caution against the inclusion
7 of renewable energy coverage as the method of
8 alternative compliance. RECs do not improve local
9 environmental health, support a thriving local
10 economy or even sufficiently move the needle on
11 carbon reduction. Climate change is happening. It
12 will get worse. It will cost us especially those of
13 us who are people of color or low-income, but most
14 importantly, we can still do something about it. We
15 thank Council Member Constantinides and Speaker
16 Johnson for their climate leadership, and urge the
17 Council to enact this bill.

18 CHAIRPERSON CONSTANTINIDES: Thank you.

19 ANNEL HERNANDEZ: Hi. Good afternoon
20 Chairperson Constantinides and the Committee Counsel.
21 My name is Annel Hernandez. I'm here to testify on
22 behalf of the New York City Environmental Justice
23 Alliance in support of Intro 1253. NYC-EJA is a non-
24 profit citywide membership network linking grassroots
25 organizations from low-income neighborhoods and

1 communities of color in their struggle for
2 Environmental Justice. NYC-EJA empowers its members
3 to advocate for improved environmental conditions and
4 against inequitable environmental burdens. Through
5 our efforts member organizations coalesce around
6 specific common issues that threaten the ability of
7 low-income communities to thrive, and coordinate
8 campaigns designed to effect city and state policies
9 including energy policies directly impacting these
10 communities. Because of a number of our members come
11 from communities over-burdened by greenhouse gas
12 emissions, and health impact co-pollutants from power
13 plants and peaking-peaking power plants clustered in
14 their neighborhoods, our organization is a key
15 advocate of the city's clean energy targets. NYC-EJA
16 also co-founded Climate Works for All—the Climate
17 Works for All Coalition with ALIGN and the New York
18 City Central Labor Council with the goal of reducing
19 emissions, creating good jobs and protecting
20 Environmental Justice communities. Our Coalition
21 knows that no sector or industry is more critical
22 than the building sector if New York City is going to
23 hit its stated goal of reducing emissions 80% by the
24 year 2050. As we take bolder steps to reduce our
25

2 carbon footprint, the city should guarantee
3 protections for low-income communities of color. Our
4 bill improved energy efficiency can potentially
5 reduce the energy burden, increase affordability for
6 low-income tenants. The investment in building
7 retrofits may be used as a justification to drive up
8 rental costs for rent regulated buildings. We are
9 encouraged that Intro 1253 also takes key steps
10 toward acknowledging the importance of rent regulated
11 housing by providing a separate compliance mechanism
12 for these buildings, which would prevent owners from
13 using MCIs to potentially displace tenants. Low-
14 income New Yorkers should be able to access the
15 benefits of clean energy without the threat of
16 gentrification or displacement. We also hope that
17 state government adopts model rules for protecting
18 tenants from rent increases and evictions preventing
19 the deregulation of apartments as they relate to
20 investments in energy efficiency, as well as other
21 much needed updates. Additionally, we have concerns
22 around the Energy Efficiency Trading Scheme as market
23 based strategies have had negative impacts on
24 Environmental Justice communities in the pat. Low-
25 income communities of color also face

disproportionate climate risks many of which could be ameliorated through equitable energy policies and strategic investments. For example, New York City's 12 most heat vulnerable neighborhoods are predominantly high poverty areas where residents are a majority of people of color. The confluence of extreme heat, proximity to peaker plants and the resulting co-pollutants and lack of access to energy efficient-efficient buildings is a quiet threat facing low-income people, people of color and the elderly. In New York City 36% of low to moderate income households are energy burdened, paying a much higher proportion of their income on energy costs. During heatwaves citywide use of air conditioning strains the grid, increasing the likelihood of blackouts and brownouts for heat vulnerable residents living in energy inefficient homes, lack of power during a heatwave increases risks of dangerous heat exposure. We recommend reviewing inclusive financing programs that make energy efficiency and clean energy more accessible to low and moderate income communities as highlighted in our New York City Climate Justice Agenda. NYCEJA commends the City Council for holding a hearing on this transformative-

2 transformative energy efficiency legislation. As we
3 all know, a just energy policy is central to our
4 work, and to the city's work and we look forward to
5 continued collaboration to mitigate the threats of
6 climate change while optimizing economic housing,
7 health and environmental benefits for the most [bell]
8 burdened and climate vulnerable New Yorkers. Thank
9 you.

10 CHAIRPERSON CONSTANTINIDES: Thank you.

11 ELIZABETH KELLY: Good afternoon. I
12 would like to thank the Council for your time and
13 attention to this matter. My name is Elizabeth
14 Kelly. I'm the Manager of Sustainability Programs at
15 the Community Preservation Corporation, CPC a non-
16 profit affordable housing and community
17 revitalization company. CPC was formed in 1974 to
18 help New York City restore and rebuild communities
19 that had been devastated by deterioration and
20 abandonment. Since our founding, we have invested
21 more than \$10 billion in affordable housing in
22 communities around the state to support more
23 equitable and sustainable neighborhoods. CPC
24 believes the cost savings associated with energy
25 efficiency and clean energy investments are critical

2 to the long-term financial stability of multi-family
3 properties and the preservation of housing
4 affordability. In my role I work with affordable
5 housing stakeholders to bring creative private sector
6 solutions to the industry and catalyze energy
7 efficiency and clean energy in projects. I
8 appreciate the opportunity to testify in support of
9 the proposed legislation authorizing establishment of
10 a the Sustainable Energy Loan Program or PACE
11 financing in New York City. The city's goal to
12 reduce carbon emissions by 80% by 2050 is critical
13 for the continued success of our city, our country
14 and our environment. To aid the Administration's
15 goals, CPC has focused on supporting renewable and
16 efficiency investments as part of first mortgage
17 financing. However, in order to scale
18 sustainability, New York City needs additional
19 financing resources that account for the diversity of
20 our building stock and its financing needs throughout
21 a building's life cycle. PACE offers New York City a
22 straight forward and reliable source of capital to
23 finance renewable energy systems and energy
24 efficiency improvements as well as related reports
25 and verification. While CPC has promoted these

2 investments in conjunction with mortgage financing,
3 PACE offers the ability to finance such improvements
4 as opportunities arise throughout all stages of the
5 capital cycle. As PACE assessments are non-
6 accelerating and remain with the building upon sales,
7 they provide a pathway for owners to opt into finance
8 improvements at any time of the building's life or
9 capital cycle. Furthermore, PACE's low-cost
10 financing fills a critical funding gap for affordable
11 housing buildings with limited cashflow, and provides
12 the solution for small buildings that traditionally
13 lack access to private capital solutions.

14 Ultimately, PACE financing provides our city's real
15 estate owners with the mechanism to easily invest in
16 improvements to curb carbon emissions. Given the
17 critical role that buildings will play in achieving
18 the Administration's emission reduction goals, the
19 city must provide building owners with a diverse set
20 of tools to enable them to invest in energy
21 efficiency as simply and easily as possible. CPC
22 encourages the Council to support this legislation.

23 Thank you very much.

24 CHAIRPERSON CONSTANTINIDES: Thank you
25 very. So, I-I hear everyone on the issue of the

2 mandatory retrofit, the—the retro commissioning
3 piece, and trying to incorporate some of the other
4 recommendations from the ECG (sic) report. We will
5 definitely take a look at that as we know making sure
6 that we do not incur MCIs is prevalent on my mind.
7 Right, that is the most important thing. So, if
8 there's a way to do that then we can guarantee that
9 there won't be MCIs from it. We are committed to
10 doing so. So, we hear everyone's concerns on that,
11 and definitely want to make sure we create bill that
12 is equitable, but something that gets the emissions
13 reductions that we desperately need in the city of
14 New York.

15 ELIZABETH KELLY: Thank you and we look
16 forward to continuing to work with you with on that.

17 CHAIRPERSON CONSTANTINIDES: Great. I
18 appreciate everyone's testimony, and advocacy and—and
19 look forward to continuing our conversation as we get
20 this bill moving forward. I appreciate your time,
21 and all the time you've spent here today. I know
22 you've waited a long time to testify. So, thank
23 you. Alright. So, Stanz Zaruski (sp?) from AIA; Max
24 Wolf from AIA; Caleb Crawford from AIA; John Riley
25 Amelia—I can't see—AIA. They're coming down. Okay.

2 Justin Pascone from New York Building Congress and
3 Catherine Hughes from the Financial District
4 Neighborhood Association. There you are. I knew you
5 were still here. [background comments, pause]
6 [coughs] Alright. So now, we have three panels left
7 after this one. If you have not filled out a form
8 yet to testify, now is that moment because after I-I-
9 after we finish these three panels, we're done. So,
10 you if you need to be put on one of these panels,
11 speak up now or forever hold your piece. Alright,
12 great. Thank you. Kathryn, we'll begin with out.

13 CATHERINE HUGHES: [off mic] Good
14 afternoon--

15 SERGEANT-AT-ARMS: You have to push the
16 button.

17 CHAIRPERSON CONSTANTINIDES: Alright, you
18 have to push the button to be on the record.

19 CATHERINE HUGHES: Good afternoon, Chair
20 Constantinides and--and your fellow members of the
21 board. Today I'm representing the Financial
22 Neighborhood Association. The Financial District is
23 home to roughly 50,000 residents, and the fourth
24 largest business district in the country, and one out
25 of every 18 jobs citywide is located right here. Your

1 already know about the impact of Super Storm Sandy on
2 our district. I want to focus on the resiliency in
3 the face of climate change that can be achieved by a
4 multi-prong strategy including decreasing greenhouse
5 gas emissions by increasing energy efficiency and
6 transitioning to renewable fuels from carbon based.
7 We support the Green New Deal. So, the three bills
8 1251 the Building Energy Efficiency Grade; 1252, a
9 sustainable energy loan program, but we'd like to add
10 that the reporting should also include an annual
11 deadline and also include best practices that can be
12 share publicly. Also Intro 1253, the commitment to
13 achieve certain reductions in greenhouse gas
14 emissions by 2050. I just want to draw your
15 attention to Section 28-32.1 the definitions of
16 fossil fuels. Currently, it only states that means
17 of fuel such as coal or gas, but it should also
18 include heating oil Nos. 2, 4 and 6 because there are
19 hundreds of buildings that still use that heating oil
20 throughout the city. Also, how are the buildings
21 that use steam generated by Con Edison that does not
22 use renewables classified? So, I just wanted to
23 also point that out. I also just want to highlight
24 and article of a recent example of how real estate

2 can be managed efficiently and reduce greenhouse
3 gases and save money through smart tech
4 implementation. For example, since 2005 Realty
5 Management (sic) has reduced its greenhouse gases by
6 more than 200,000 metric tons of carbon dioxide
7 equivalent, the equivalent of taking 38,465 cars off
8 the road, and it translates to an estimate \$19.4
9 million in energy savings across its commercial--

10 CHAIRPERSON CONSTANTINIDES: Right.

11 CATHERINE HUGHES: --portfolio overall.

12 So, that's an example of the success. Just to
13 reiterate what we've kind of heard in some prior
14 hearings comments is the need to act now to reduce
15 greenhouse gases, which was confirmed by the release
16 of two recent reports. (1) The Fourth National
17 Climate Assessment, a major scientific report by 13
18 federal agencies. (2) The IPCC Report, which states
19 that to keep the 1.5 degrees centigrade, governments
20 would have to slash emissions of greenhouse gases by
21 45% by 2030. Right now, CPO-CPO 24 the informal name
22 for the 24th Conference of the parties to the United
23 Nations Framework Convention on Climate Change are
24 meeting in Poland. They say decisive action in the
25 next two years will be critical, will be crucial and

2 any delay will only make it harder and more expensive
3 to respond to climate change. In conclusion, Sandy
4 taught us the importance of preparation and the
5 necessity of investing rapidly in reducing greenhouse
6 gases to prevail. In the worst potential impacts of
7 climate change, a few things to remember: The future
8 of the National Flood Insurance Program NFIP
9 continues to be uncertain and has just been extended
10 for one week and is due to expire shortly this
11 Friday. (2) Moody's added climate risk and S&P as
12 well and the waterfront of the Financial and South
13 Street Seaport continues to be exposed, and something
14 that no one addressed here today is that the energy
15 efficiency and energy independence are also a major
16 Homeland insecurity issue. And I also wanted just to
17 draw your attention to our favorite graph, which
18 comes from a city report that the greenhouse gases
19 are actually increasing since 2012 and it's a
20 reduction of 15%, and the data for 2017 in violation
21 has still not been publicly released. So, I just
22 wanted to share that. [bell] Thank you very much--

23 CHAIRPERSON CONSTANTINIDES: Thank you
24 very much.

2 CATHERINE HUGHES: --and keep up your
3 excellent work.

4 CHAIRPERSON CONSTANTINIDES: We're
5 trying, we're trying. [laughs] Thank you,
6 Catherine. Thank you. Next up.

7 MAX WOLF: My name is [coughs] my name is
8 Max Wolf. I am R District architect, and structural
9 engineer in New York, and I'm here on behalf of the
10 American Institute of Architects, New York Chapter
11 with my colleagues in order to support the retrofit
12 legislations Intro 1253 and 52. AIA New York
13 strongly advocates for more sustainable and equitable
14 built environment. Through programming and by
15 supporting various pieces of the legislation, we've
16 encouraged our 5,600 members to design in a more
17 environmentally conscious way. Despite advances in
18 sustainable design over the years, far more can be
19 done to make our cities green. Crucially, we need to
20 support efforts to retrofit existing buildings.
21 While sustainable design for new buildings is
22 increasingly widespread, far more New Yorkers live
23 and work in older buildings, most of which have not
24 been retrofitted according to the latest technologies
25 and design practices. If we do now retrofit our

2 existing building stock en masse, we jeopardize the
3 health and safety of ourselves and future
4 generations. Right now, around 70% of New York's
5 carbon emissions are generated by buildings. In
6 order to tackle issues around climate change,
7 resiliency and air quality, we need to retrofit our
8 existing building stock. Furthermore, continuing to
9 overlook the retrofitting of existing structures may
10 lead to greater inequity in our built environment. It
11 should not be a luxury to live and work in well
12 insulated buildings though in New York this is often
13 the case. Those with sustainably designed apartments
14 and offices often pay less energy bills with fewer—
15 which further exacerbates financial divides. If we
16 do not address this issue now, our city will
17 increasingly be divided between those who can afford
18 to live and work with all the benefits of sustainable
19 design, and the less fortunate who live and work in
20 deteriorating buildings. For these reasons, we
21 applaud Council Member Costa Constantinides' pieces
22 of legislation Intro 1252 and 53, which require
23 existing buildings over 25,000 square foot to meet
24 energy efficiency targets. For years market forces
25 and government incentives have led to slow but steady

2 increases in retrofit-retrofitting. Unfortunately,
3 we do not have the time for a process that not
4 require immediate improvements. We need the city to
5 require the bulk of our large building stock, start
6 retrofitting as soon as possible. These pieces of
7 legislation have the potential to significantly
8 improve the daily lives of millions of New Yorkers,
9 while also spurring the growth of the green sector.
10 New Yorkers deserve to live and work in better
11 conditions, and for that reason, we ask the City
12 Council to pass and the Mayor to sign Intro 1252 and
13 53. Thank you. If I might, time permitting you have
14 my testimony as an architect and engineer in addition
15 to what I just read. The main point I would
16 highlight--and most of the other points have been
17 pointed out previously--is just the--the principle,
18 the precautionary principle. The curves I've seen
19 for carbon reduction show a pretty strong, some would
20 say too strong reduction up until the--around 2030 and
21 then a plateau, and then a very steep reduction
22 between 2040 and 2050. I don't know if that is
23 continuing--currently the case, but the precautionary
24 principle, which is basically if you've got the risk
25 of some irreversible potentially catastrophic change

2 like climate change, you would reduce as quickly as
3 possible in order to try and create some kind of
4 margin of safety, basically undershoot what a linear
5 progression would be. So, you have some time to react
6 for unforeseen circumstances. [bell] The further
7 you get out in the future, the more risk there is of
8 being thrown off track. Thanks very much.

9 CHAIRPERSON CONSTANTINIDES: Thank you
10 very much. Next up.

11 JOHN MEALY: Good afternoon. My name is
12 John Mealy. I am an architect at Murphy, Burnham and
13 Buttrick and a member of the American Institute's-
14 Institute of New York. Excuse me. American
15 Institute of Architects New York Chapter [coughs] and
16 a long-term resident of New York City. I'm pleased
17 to offer my endorsement of the retrofitting
18 legislation Intro 1253 brought forward by Council
19 Member Constantinides. The need to respond to
20 climate change is beyond urgent and this bill has the
21 potential to be a first step toward meeting the
22 challenges it poses. I would like to thank Council
23 Member Constantinides for his work on this
24 legislation and for the opportunity to offer comments
25 today. While I applaud the initiative behind the

1 bill and recognize that it is driven by an earnest
2 desire to reduce carbon emissions in our city, there
3 are a number of areas that I feel could be improved
4 upon. The legislation sets an emissions cap for all
5 existing buildings over 25,000 square foot of a given
6 occupancy group. While at first glance this appears
7 to be an equitable means to establish a standard, it
8 groups together buildings with a wide array—a wide
9 array of ages, condition and rates of occupancy.
10 This mans that a 50-year-old building in poor
11 condition is held to the same standard as 2-year-old
12 building with a state-of-the-art mechanical system.
13 In the case of the former, the improvements required
14 to meet the energy target could represent a
15 substantial cost, possibly much greater than any
16 fines imposed for non-compliance. In the worst case
17 scenario, building owners might even see that—see
18 these fines as the new cost of business, and [coughs]
19 delay necessary improvements indefinitely. As an
20 alternative, the 80 x 50 building partnership has
21 proposed a graduated energy target model that would
22 require a given building to improve in relation to
23 its own current performance. This would help reduce
24 the risk over-over-burdening some buildings, and
25

1 would lead to a more manageable schedule for
2 improvements. I would urge the Council to consider
3 this as a more varied and possible path of compliance
4 as I believe that it would ultimately be more
5 effective. I would also recommend against the use of
6 a carbon based metric for the bill. While measuring
7 building efficiency in equivalent tons of CO2
8 emitted, it's certainly in keeping with the intent
9 behind legis—the legislation. This is not a unit of
10 measurement that is commonly used by design
11 professionals. It adds an additional set of
12 conversions and interpretations on top of the more
13 generally accepted measurements of energy use
14 intensity. I feel that employing a terminology
15 standard to the industry would make for a much easier
16 adopt—much easier adoption and implementation. While
17 there are still some changes that should be made, I
18 stand with AIA New York in their support of Intro
19 1253, as well as Intro 1251, which would make much
20 needed improvements to Local Law 33 making the city's
21 future energy grading system much more effective.
22 Thank you.

24 CHAIRPERSON CONSTANTINIDES: Go ahead.

2 STAS ZAKREWSKI: Good afternoon. Thank
3 you Chairperson Constantinides for the opportunity to
4 allow us to offer our testimony here today. My name
5 is Stas Zakrewski. I'm a member of the American
6 Institute of Architects, a certified Passive House
7 Designer and Vice President of New York Passive
8 House. I'm here today to express my support of Intro
9 1253, which seeks to limit New York City's building
10 greenhouse gas emissions and to ensure that this bill
11 meets the Mayor's goal of 80% reduction in greenhouse
12 gases by 2050. In New York City our buildings
13 contribute over two-thirds of the total greenhouse
14 gas emissions, and we need to start building now to
15 address this problem. Currently, my firm is working
16 on a 24-story, 65,000 square foot multi-family
17 Passive House rental building, which is slated for
18 completion in the fall of 2019. I'm pleased to
19 report that this building will have slightly lower
20 emissions than the 2050 goal, and is testament that
21 these goals are possible right now. We're also doing
22 a Passive House retrofit of an existing residential
23 building in Brooklyn where we will also be meeting
24 the proposed 2050 limits. And I've included a
25 diagram here showing the two projects and I'll hand

2 these over to you once I'm done, and showing the
3 respective limits. So, all of this is showing that
4 for new buildings with retrofits, a lot more is
5 possible. To help communicate how these limits can
6 be achieved and to ensure that we meet the 20-the 80
7 x 50 target, I have a few other additional comments
8 that provide easy accessible information as to how
9 the emissions are calculated. Consider having
10 working groups reviewing believe it or not a stricter
11 limit for the initial years. As the proposed 2023
12 Residential Occupancy Emission Limit is comparable to
13 average emissions of residential buildings today, and
14 we think that this a little bit too low a target to
15 look at now. Consider having different limits for
16 existing building stock versus new buildings. The
17 people have brought this up before and new buildings
18 should have lower emission limits than existing
19 retrofits, and buildings with longer use patterns
20 should have the different limits as well. Rent
21 regulated buildings should also be included in some
22 capacity, and you've addressed that a number of times
23 today. And lastly, but this has not been brought up,
24 we also need to consider the embodied energy, that's
25 energy consumed in the production of all of our

2 buildings. Studies are showing that over the
3 lifetime of the building 20 to 25% of the total
4 emissions come from material extraction shipping in
5 the construction process. There are new recent
6 developments that are seeing new ways to
7 significantly reduce our carbon emissions footprint.
8 I encourage Council Members to look into that. I'd
9 like to applaud Council Member Constantinides, the
10 Speaker and Counsel and fellow members for taking
11 this very, very important and necessary steps in
12 seeking to reduce greenhouse gas emissions in our
13 city. Thank you.

14 CHAIRPERSON CONSTANTINIDES: I'm glad to
15 hear that these things are possible, and I think we
16 all knew that they were. Go ahead.

17 JUSTINE PASCONE: Thank you. Good
18 afternoon, Chair and thank you everyone here. My
19 name is Justin Pascone. I'm the Director of Policy
20 for the New York Building Congress. On behalf of our
21 organization, we want to express our support for the
22 goals of this legislation, and the effort your office
23 and all the stakeholders that have been involved have
24 done to—to get this legislation out there. The
25 Building Congress has for almost a hundred years

1 advocated for investments in infrastructure through
2 job creation and promoted the preservation and growth
3 in New York City. Our association—association is
4 made up of nearly 550 organizations that encompass
5 more than a quarter million professionals
6 representing the building industry. Our members know
7 the outsized role that New York's built environment
8 has on the production of carbon, and the New York
9 Building Congress is aligned with the city's goals of
10 reducing greenhouse gas emissions by at least 80% by
11 2050. While the city is on its way to reducing
12 greenhouse gas emissions, we agree that there's a
13 long way to go. The Building Congress supports the
14 intentions of this legislation, and recognizes that
15 in order to achieve our 80 x 50 goal, will require
16 significant reductions produced by our buildings.
17 Today we just want to offer three suggestions and
18 comments on the current legislation in order to make
19 sure they're successfully implemented. All of them
20 you have heard already. So, I will be very brief,
21 but one that the metrics for measuring building
22 emissions and categorizing buildings do not have
23 consensus amongst the industry. We hope that your
24 office will work with the stakeholders involved to
25

1 find a set of metrics that are both appropriate and
2 contextual so that true carbon reductions can be
3 achieved. We are at the ready to help in that
4 effort. (2) The initial timeframe the 2020 milestone
5 we believe is—is too short a runway in order to
6 achieve a consensus amongst the industry. The
7 thousands of buildings that are going to need to
8 complete and need this complete and comprehensive
9 overhaul of some of their buildings The three years
10 may not be long enough, and then finally, we fully
11 support the need to preserve affordable housing for
12 New Yorkers, but the elimination of rent regulated
13 units or—or housing would—is really missing from
14 this, and we want to make sure that we're not
15 burdening any of those residents, but also making
16 sure we can have the greatest reduction in carbon
17 emissions. New York City's building industry we
18 believe should serve as a national and international
19 example of combatting climate change. The Building
20 Congress supports our efforts to incentivize energy
21 efficient and resilient building design and
22 construction as well as the efforts to bring our
23 aging building stock into the 21st Century. We have
24

2 and do look forward to working with your office to
3 help achieve this. Thank you.

4 CHAIRPERSON CONSTANTINIDES: Thank you.

5 [off mic] Lower you finger. (sic) [on mic] There we
6 go. I have to find out advice to make sure the
7 button is pushed. I definitely want to thank you all
8 for your testimony and your advocacy and appreciate
9 the work that you put in and the time that you put in
10 today. I know we're in hour 4-1/2 of this hearing,
11 and you've stayed, and I appreciate that. So thank
12 you for your time and efforts and look forward to
13 working with each of you as we move forward on this
14 legislation.

15 FEMALE SPEAKER: Thank you.

16 CHAIRPERSON CONSTANTINIDES: Alright.

17 Alright so the next panel Judith Canera, Nancy
18 Romner, Amy Turner, Skip Roseborough. I have two
19 cards but for the same person Eric Alani (sp?) and
20 Ismini Espolotis. Of course, I pronounce a Greek
21 name wrong. Ismini, are you still here?

22 ISMINI ESPOLOTIS: [off mic] I'm here.

23 CHAIRPERSON CONSTANTINIDES: Alright,
24 there you are. [pause]

25 FEMALE SPEAKER: Is that—that me?

2 CHAIRPERSON CONSTANTINIDES: Yes.

3 FEMALE SPEAKER: Great.

4 CHAIRPERSON CONSTANTINIDES: But, come
5 on. There we go. [laughter] Let's start on this
6 side. Go ahead.

7 SERGEANT-AT-ARMS: Press the button.

8 AMY TURNER: Is it not on? I thought it
9 was. Okay, great. Good afternoon. My name is Amy
10 Turner. I am the Executive Director the NYC Climate
11 Action Alliance. We are a growing coalition of New
12 Yorkers committed to helping New York City [coughing]
13 goals to reduce greenhouse gas emissions 80% by the
14 year 2050. Thank you to Chair Constantinides and to
15 the other City Council members and staff who have
16 been her today for the opportunity to participate I
17 this important public process and to the many groups
18 who have been through today who have worked on
19 important buildings energy efficiency work here in
20 New York City. I'm here today to voice my organi-
21 organization's support for Intro 1253. The bill
22 represents and extremely promising pathway to
23 reducing the carbon footprint of our city's
24 buildings, which are the source of approximately two-
25 thirds of all greenhouse gas emissions emitted within

1 the five boroughs. Simply put, it is not possible to
2 achieve New York City's 80 x 50 goals without this
3 sort of sweeping building emissions reductions that
4 are contemplated by Intro 1253. More than that,
5 though, NYC Climate Action Alliance supports Intro
6 1253 because of the incredible work that went into
7 building consensus around the scope and scale of
8 emissions that would be reduced by this bill and from
9 what buildings. Finding a pathway to 80 x 50
10 particularly through buildings emissions reductions
11 is complicated messy work. The challenges are not
12 only technical ones relating to choice of feasibility
13 of technology, but also involve important questions
14 regarding what sorts of buildings should be covered
15 by any legal requirements. Who should pay the cost
16 for emissions reductions, and who should pay the cost
17 for emissions reductions that so greatly benefit of
18 all? I commend the many groups including New York
19 Communities for Change, the Urban Green Council, NIDC
20 and many, many others who have worked relentlessly to
21 forge consensus around this issue even if details in
22 the bill remain to be ironed out. [coughs] But so
23 many groups were able to come mostly to consensus
24 around such a technically complicated and politically

1 fraught piece of legislation speaks volumes, and this
2 hard work to reach consensus should be followed by
3 data. I would also urge the City Council and the New
4 York City Mayor's Office not to rest on their
5 laurels. Intro 1253 represents an incredible
6 opportunity to slash emissions from our largest and
7 most polluting buildings. It is a good and extremely
8 important step, but New York City has set laudable
9 goals to reduce its greenhouse gas emissions 80% by
10 2050, and to do its part under the Paris Climate
11 Agreement to limit global warming to 1.5 degrees
12 Celsius. These goals will not be achievable without
13 significant additional carbon emissions reductions in
14 the coming years, and much of the additional
15 reduction will need to come from the city's building
16 stock. Our city's Legislative and Executive branches
17 will need to continue to identify potential emissions
18 reductions and acts to require or incentivize those
19 emissions reductions. Moreover, there remains
20 significant addition opportunities to slash
21 building's emissions, and I would encourage the
22 groups that have been through today to testify to
23 continue their work to identify such opportunities to
24 explore a potential path forward and to build
25

2 consensus around climate solutions that work for all
3 New Yorkers. In short, my organization supports
4 Intro 1253 both for its projected impact on building
5 emissions and for the consensus around building
6 emissions reductions that it represents. Thank you.

7 CHAIRPERSON CONSTANTINIDES: Thank you
8 very much, and we're—we're not resting. We're gong
9 to continue. After this bill is done, we'll continue
10 to look for others so--

11 AMY TURNER: Glad to hear it.

12 CHAIRPERSON CONSTANTINIDES: Thank you.
13 Go ahead.

14 ISMINI ESPILIOTIS: Thank you, Councilman
15 and for your patience and fortitude for holding this
16 hearing. My name is Ismini Espilotis. I'm the
17 Executive Director of a non-profit housing
18 development organization called Mhany Management,
19 Inc. and I'm writing—I'm here today to thank you for
20 the opportunity to testify in support of Intro 1253
21 and an opportunity for New York City to be a leader
22 for climate change. As you know and have heard all
23 morning, we're in the midst of an environmental
24 crisis that must be boldly addressed, thoughtful,
25 serious, effective proposals for curbing emissions

2 and reducing our carbon footprint will benefit
3 individual residents, building owners, neighbors and
4 neighborhoods, the city overall, and we set an
5 example for other large post-industrial cities with
6 an aging infrastructure to adopt necessary retrofit
7 needs and to step up to become agents of change the
8 reduce the factors that may carefully impact rather
9 than continuing to turn a blind eye to continue with
10 the destructive climate conditions. What the Intro
11 1253 offers is a road map for chance that focuses on
12 the largest buildings that currently generate some of
13 the most serious pollutants, and with explicit
14 programmatic and physical changes will have the
15 greatest positive impact on our environment. The
16 beauty of Intro 1253 is that it offers opportunities
17 to improve our environment while at the same time not
18 breaking the private sector bank. Not passing costs
19 onto others struggling, low, moderate and middle
20 income residents of New York City, and actually
21 providing an opportunity for additional living wage
22 generation that will train and employ a local
23 workforce to achieve these laudable goals.

24 [background comments] We've heard a lot today about
25 building types and—and rent regulated apartments, and

2 I think as you just said, this is the beginning, and
3 there will be more legislation to follow that will
4 deal with the rent stabilized housing stock and the
5 residential stock. We really appreciate your
6 thoughtful kind of progression on how to toll this
7 out without harming, without harming, you know,
8 without having unintended consequences. I think why
9 this bill, why now? As an affordable housing
10 developer, we implement green technology all the
11 time, and it actually does save money and there—
12 actually, I've heard a lot today about, you know,
13 it's going to—it's too much too soon. It's too fast.
14 We can't do it. I think that there's a whole bunch
15 of low-lying—low=lying fruit that people can
16 actually—businesses, building owners can actually
17 grab onto and make—and begin to make change. So, I
18 don't actually agree because it's too much too soon.
19 We have to start. We have to make it a priority and
20 we—and in order to actually begin to—to make change,
21 and I think your bill really offers owners a
22 flexibility to pick and choose. You've given them—you
23 gave them a menu so no one has to start like one
24 thing for everybody so that there's a real choice so
25 people and owners can—can be like that will work for

2 this building, and that will work for me so that we
3 are like you said all of us participate in this
4 positive change and I'm stopping the—the negative
5 intensive climate of climate changes. So, I want to
6 thank you very much for having the hearing for
7 introducing this bill and we speak in support of it.
8 Thank you.

9 CHAIRPERSON CONSTANTINIDES: Thank you.

10 ERIC ALINI: Thank you very much, Mr.
11 Chairman and Council Members for the opportunity to
12 testify today. [coughs] Excuse me. My name is Eric
13 Alini. I'm the Managing partner of Hannon
14 Armstrong's Sustainable Real Estate and Counterpinte
15 Energy Solutions. Hannon Armstrong is a publicly
16 traded REIT and a capital provider focused on
17 reducing the impact of our increasing resiliency of
18 climate change. For over 30 years we have committed
19 to investing on the right side of climate change, and
20 this commitment is part of an urban global—urgent
21 global mission, which we fully support the city's
22 leadership in reducing greenhouse gas emissions of
23 exist infrastructure especially through programs like
24 PACE. As a capital provider in the sustainable
25 infrastructure market, we have invested a billion

2 dollars a year on the right side of this climate
3 change to deliver measurable results including
4 benefits of reducing more than 2.7 million metric
5 tons annually of CO2 reduced over the \$5 billion that
6 we have invested. It's basically the equivalent of
7 reducing the emissions of 291,000 annually. Hannon
8 Armstrong is the capital provided to New York City in
9 its green march and, in fact, we have provided
10 capital to train and modernizing all of the
11 courthouses in Lower Manhattan and Brooklyn as well
12 in White Plains, and that \$114 million of green
13 capital we were able to deliver almost 30% energy
14 reduction as well as 20% reduced water conservation
15 and as well as delivering almost \$1.7 million of
16 savings at 2,000 jobs. The results are very clear.
17 Investing on this right side as the city plans to do
18 now delivers vast results and benefits especially in
19 the areas of progress for an infrastructure in the
20 city. We have our own carbon counting tool, which is
21 used in our industry to measure carbon counting and
22 we are a leading provider of PACE financing in—in the
23 states, and as well as mix (sic) it in other states
24 as well as New York. We strongly support the City
25 Council's efforts to bring PACE to New York City.

2 PACE is a proven way to incentivize property owners
3 with affordable financing options to make their
4 buildings more energy efficient. From HVAC in multi-
5 family buildings to solar carports for senior living
6 to retrofits for large commercial buildings, we have
7 deployed PACE to provide long-term financing
8 solutions. We heard a lot today about multi-family
9 housing. We are a PACE provider in San Francisco,
10 and we use the PACE program there to—to implement the
11 city's Seismic Retrofit Improvement Program that is
12 mandated to change things in the city. We are the
13 PACE Administrator for the city of Chicago, and we
14 understand the nuances of starting a PACE program,
15 and we commend the Chairman for his ability to get
16 the multiple constituencies in order to advance this
17 initiative. PACE is an easy product to be used, but
18 it has complicated—may have complicated questions for
19 people, and, you know, we stand ready to assist you
20 in your efforts. We believe that the bill as
21 currently drafted does an extremely good job of
22 creating a PACE Program that property owners will
23 find easy to use as well as providing clarity for
24 companies who want to provide financing for these
25 improvements. We would, however, suggest two

1 enhancements to what a great bill is becoming even
2 better. We would encourage the modification of the
3 bill's language to explicitly allow the New York City
4 Mayor's Office of Sustainability to implement all of
5 NYSERDA's guidelines for PACE, which include the new
6 Social Good Improvements that are supplementary to
7 the energy improvements. NYSERDA's guidelines
8 currently are active in 15 New York counties and
9 allow for ancillary managers such as mold
10 remediation, lead abatement and asbestos removal to
11 be included as PACE financing as part of a larger
12 project and energy savings. The ability to do these
13 additional financing options will encourage property
14 owners to embark on energy efficiency project. In
15 addition, if you're going to be able to get capital
16 from the Mayor's Office, one of the best operating
17 ways you can leverage that for the multi-family units
18 was to use that money to buy down a PACE rate that
19 would allow you to actually get more capital into the
20 market, and actually use less of it of the city
21 rather than just providing the loans yourselves. We
22 stand ready to help you in that message, and also
23 structuring that may change in the law. In addition,
24 Hannon believes that in order to have a strong [bell]

2 successful program, it should be flexible and
3 consistent. On behalf of Counterpointe and Hannon,
4 we commend you on what you have done and applaud the
5 City Council's commitments to the 80/50 goals and
6 bringing PACE to New York.

7 JUDITH KANPIPPA: Okay.

8 CHAIRPERSON CONSTANTINIDES: Okay.

9 JUDITH KANPIPPA: [off mic] I'm J.K.

10 CHAIRPERSON CONSTANTINIDES: Make sure
11 you push the button so I can hear you.

12 JUDITH KANPIPPA: Sorry.

13 CHAIRPERSON CONSTANTINIDES: Alright.

14 JUDITH KANPIPPA: I'm Judith Kanippa and
15 I'm with the New York Safe Energy Campaign and Sane
16 Energy Project. Thank you for holding this hearing
17 and for the opportunity to speak. I'm reading—I'm
18 reading for Ken Gale. I'm Ken Gale. I produce and
19 host an environmental radio show on WBAI-FM and I'm
20 the founder of the New York City Safe Energy
21 Campaign. Special thanks to J.K. Kanippa for
22 presenting this to you. Buildings are built to code
23 and rarely better. With New York City architects
24 like Chris Benedict is a wonderful exception who
25 should be consulted for this. So, the way toward

2 reducing energy use and therefore our greenhouse gas
3 emissions is to improve building codes to take energy
4 into account. This is a giant step in that
5 direction, figuring how to do that. Many building
6 owners, managers and industry executives don't
7 realize the money savings involved in reducing energy
8 use and have testified to that prior hearings and
9 today. You have your work cut for you getting through
10 all their denials. I see that you aim to require
11 building owners to submit annual building energy
12 assessments. Great, but how will you enforce that.
13 Building owners already owe the city billions of
14 dollars, billions with a capital B for years of
15 unpaid fines to the Environmental Control Board. Are
16 you just setting up another requirement for them to
17 ignore with a penalty that they also ignore? I see
18 that there is a loophole for affordable housing, but
19 with energy use being a higher percentage of what
20 people in affordable housing pay, affordable housing
21 should be the first buildings to be made energy
22 efficient. Once you identify the steps buildings can
23 take to reduce energy use, who will do the work?
24 These are working class jobs and the income of
25 working class people is really enough to be able to

2 afford living in New York City. Even the Outer
3 Boroughs are going out of reach. That's before the
4 proposed transit strike. That's despite all those
5 new buildings that are mostly empty. When Super Storm
6 Sandy hit New York City and did all that damage,
7 thousands of people from all over the United States
8 came up here to offer their skills and get jobs.
9 Most of them couldn't afford to live here, but they
10 could afford to live in Jersey and Long Island and
11 those areas recovered from Sandy much, much faster
12 than in New York City. They have the skilled labor.
13 We don't. They're not making the \$80,000 threshold
14 for what little affordable housing there is. It's
15 the same for solar panel installers who don't own
16 their own solar businesses. Please take housing
17 costs into account and do something about that.
18 Lowering energy use also means less Methane burned,
19 less nuclear power bought, fewer excuses for
20 pipelines. That in turn would mean cleaner air,
21 cleaner water. It also means renewable energy would
22 be able to meet all our energy needs. As we speak
23 the Williams Northeast Supply Enhancement Frack Gas
24 Pipeline Project into the waters off the Rockaways is
25 under consideration. The gas distribution lines into

2 our buildings leak methane, which at the emission
3 point is 106 to 120 times more of a greenhouse gas
4 than carbon dioxide. After 20 years it drops down to
5 what? Only 86 times, and this project would lock us
6 into another 40 years of buying and burning gas while
7 the world onto better technologies. The only way we
8 could burn another 40–400 dekatherms a day is if
9 those incentives to switch to gas were to sweep all
10 the way across the city. Meanwhile National Grid
11 customers are footing the billion dollar bill for the
12 gas we don't need. That's some incentive. You
13 can't—alright. I thank you for taking a step in the
14 right direction when the air or water are clean
15 [bell] thank an environmentalist. If not, become
16 one. Enough said. Thank you.

17 CHAIRPERSON CONSTANTINIDES: So, I
18 definitely appreciate your testimony. I'm glad to
19 see some affordable housing providers and the work
20 that you do, and that it's possible and it's more
21 than possible, and I think that we need to be rigid
22 and—and strong here as we fight climate change
23 because we're not going to have a second chance to do
24 it. So, I appreciate everyone's time coming forth
25 today. I would want to hear more at a certain point

2 about paying down the PACE rate and what that would
3 mean for non-profits. So, definitely, if you can get
4 more of that information to us, it would be
5 appreciate. I appreciate everyone's time here. I
6 know you're—you're testifying five hours in. Some of
7 you have sat for five hours before you got to
8 participate. I appreciate you taking the time to do
9 that, and your strong advocacy for the visions that
10 you have and I look forward to working with you as we
11 pass this legislation. Thank you. Alright so, I have
12 to panels left. So, we're going to keep going. We
13 have Buck Morheim from New York Passive House;
14 Andreas Balzing from New York Passive House; Ken
15 Levinson, North American Passive House; Anna Lynn
16 Courtney, Vision Services for the Blind; Mary Krieger
17 from New York Jewish Community Action Network; and
18 Sean Torbert from Rockwool. [background comments,
19 pause] And again, if you—if you think you'd like to
20 testify and you haven't filled out one of these
21 cards, you won't be able to. So, make sure you fill
22 out your card or-- There's one panel left and that's
23 it. Alright, thank you.

24 ANDREAS BENZING: Yes. Dear Chairman
25 Constantinides and committee members. Thank you for

1 the opportunity to testify today in support of Bill
2 Intro 1253. My name is Andreas Benzing. I'm an
3 Architect and certified Passive House Designer and
4 President of New York Passive House. I testify today
5 on behalf of New York Passive House and the North
6 American Passive House Network. Ken Levinson had to
7 leave so I will roll his testimony into my testimony.
8 New York Passive House professionals in the city and
9 around the state are already implementing buildings
10 with emission limits of 2015 as outlined in 28320.
11 These emission limits are achieved today by applying
12 Passive House technology, which is a rigorous
13 standard of polling energy efficiency that has been
14 producing ultra low carbon buildings of all types and
15 user groups for nearly three decades. Passive House
16 buildings utilize the global standard of carbon
17 accounting and accomplished net zero emission
18 buildings by integrating clean energy sources. New
19 York Passive House strongly supports the formation of
20 an office of polling energy performance and the
21 setting of building emission intensity limits as
22 outlined in the bill 1253. We recommend the
23 inclusion of covered buildings between 25,000 square
24 foot into this bill or at least alternatively develop
25

2 a bill in parallel to this bill for small buildings.
3 New York Passive House further encourages the
4 currently study to include emission limits from
5 embodied energy in future bill or in-in this bill,
6 but most likely in a future bill. New York Passive
7 House joins with Chairman Constantinides and the
8 committee members in urging the City Council to sign
9 this legislation into law and we—we are happy to help
10 to in-in a anyway possible to make that—this happen.
11 Thank you so much.

12 CHAIRPERSON CONSTANTINIDES: Thank you.

13 BUCK MOREHEAD: Hi. My name is Buck
14 Morehead. I'm also a—an architect here in the city,
15 and I'm a Board Member of New York Passive House.
16 Thank you very much to Chairperson Constantinides for
17 having this hearing and to Samara and your team here
18 for pushing this forward. It's interesting sitting
19 through all the hearing. Now, I'm—I-I have this
20 pleasure of trying to figure what you haven't heard
21 that could be of any interest or help.

22 CHAIRPERSON CONSTANTINIDES: Yeah, tell
23 me what you think. [laughs]

24 BUCK MOREHEAD: I have—I have something
25 for you.

2 CHAIRPERSON CONSTANTINIDES: Okay, okay.

3 BUCK MOREHEAD: So what is—I think you
4 know, it's clear Passive House is already doing this.
5 New Passive House and Passive House Retrofits are—are
6 functioning at the level that this legislation wants
7 to drive. You want to drive the city buildings to.
8 So with respect to retrofits specifically, Passive
9 House has a program called Interfit for Retrofits,
10 and it has a step-by-step program, and what is really
11 important and I—I have a concerns about this actually
12 hearing people talk is that it's without a building
13 being asked to master plan its future to meeting this
14 law, things are going to land well later in the
15 implementation, and what I mean by that is—is you
16 can—within Passive House step-by-step retrofit, one
17 can put in all of the—put—input information on the
18 building and determine what steps have to take it,
19 you know, what it would have to do to get it to
20 Passive House levels, and then you can implement a
21 step-by-step process that does that. So, buildings
22 such as co-op buildings, rental buildings, owners can
23 decide where—what they want to fix first based on
24 what the needs of that building would so they'd be
25 spending money on it anyway, but they do it within a

2 master plan that takes that step, and you know if you
3 do these steps and you do them one at a time, you're
4 going to get to where you're going eventually. Right
5 now, what I see in this legislation is someone is
6 going to make a knee-jerk reaction to—to meet the 22-
7 23-24 goal, and they're going to lock in—the term is
8 lock in a bad decision. They may replace their
9 windows, but they may not use good windows, but
10 they're not going to take those windows out in 10
11 years and re-do them because they were bad windows.
12 They've locked in a bad decision. So, I think what I
13 would recommend is that there be some requirement—yet
14 another requirement, but it's a smart one that won
15 Master Plan the retrofit of the building at the
16 beginning of the process, which would— That way
17 you'd know when you got to the end you were hitting
18 these other guidelines. I thought I had something
19 else, but I'll accede my time at this point. Thank—
20 but thank you very much for doing this. We
21 appreciate all the—all the work that you've been
22 doing.

23 CHAIRPERSON CONSTANTINIDES: I appreciate
24 your work, and I appreciate you acceding your time.

25 BUCK MOREHEAD: Thank you.

2 CHAIRPERSON CONSTANTINIDES: Thank you.

3 MARY KRIEGER: Hello. My name is Mary
4 Krieger, and I'm speaking on behalf of the Jewish-the
5 Jewish Climate Action Network-Network New York City.
6 JCAN is a faith based environmental group dedicated
7 to preventing climate change into environmental-into
8 the promotion of Environmental Justice. I'm here to
9 speak in support of Intro 1253, which requires
10 retrofits of residential buildings with 25 or more
11 units. This legislation rises to the challenge of
12 aiming to be the world's best standard to tackle this
13 enormous source of climate pollution. The bill does
14 it in three ways. It cuts climate pollution by 40%
15 by 2030 and over 80% by 2050. The bill requires
16 [coughs] large buildings over 25,000 square feet to
17 stop wasting energy and achieve 40% cuts in climate
18 pollution by 2030 by upgrading their energy
19 efficiency. Secondly, it creates thousands of good
20 jobs yearly. Energy Efficiency upgrades are hands-on
21 work. Upgrades creates jobs in everything from
22 weather stripping and lighting upgrades to improved
23 insulation and upgraded building systems like
24 heating, ventilation, air conditioning and boilers.
25 Creating these jobs is particularly important for

2 low-income communities and communities of color.
3 Finally, the bill will improve air quality. Our
4 buildings use fossil fuels typically in their boilers
5 or through power plants that provide electricity
6 including the city's large gas plants. By reducing
7 energy use, this legislation will reduce local air
8 pollution from buildings and power plants protecting
9 our lungs from asthma, emphysema and other health
10 conditions. This legislation is one of the most
11 crucial actions New York City can take to reduce-to
12 re-to reduce the effects of climate change and
13 preserve our city and our children's future and I
14 want to thank you Chairman Constantinides for your
15 persistent leadership over the years and to all of
16 the other stakeholders in the efforts to reduce
17 pollution and control the negative effects on our
18 climate of carbon dioxide.

19 CHAIRPERSON CONSTANTINIDES: Thank you.

20 SEAN TWERBERT: Good afternoon Councilman
21 Constantinides and Committee members. Thank you for
22 the opportunity to speak. My name is Sean Twerbert.
23 I'm the U.S. Public Affairs Manager for Rockwool
24 Insulation. We are the global leader in fire
25 resistant insulation for the construction industry.

2 In addition, I'm an Ambassador for the North American
3 Passive House Network, LEED, AP certified Passive
4 House consultant and designer member of New York
5 Passive House and pursuing a Masters of Science and
6 Sustainable-sustainability management at Columbia
7 University. [coughs] Excuse me. So, that being
8 said, most of the wind had been taken out of my sails
9 by my esteemed colleagues in Passive House and AIA
10 and the other environmental advocacy groups. So, I'm
11 going to use this opportunity to just make a few
12 comments from stuff that I heard throughout the day.
13 I want to commend you on putting out the absolute
14 target in terms of total carbon dioxide equivalence.
15 I think that is a fantastic way, a brilliant idea to
16 standardize emissions metrics that can then also be
17 transferred to, you know, sort of the carbon market
18 hopefully, you know, down the road. So, I don't
19 agree with those that say that you need industry
20 specific metrics. I think that the total CO2E is a
21 fantastic, fantastic metric that levels the playing
22 field. So, I fully support that. Additionally,
23 there was a lot of comments about how this
24 legislation would affect buildings of various
25 typologies. The Passive House standard, which is

2 already meeting the 2050 goals that are laid out in
3 this bill today are already existing. Have been
4 accomplished on every building typology from
5 hospitals to schools to multi-unit residential to
6 single-family homes. So, not a question. It's
7 already being done. It's been being done for decades
8 as—as Mr. Benzing had mentioned. One comment sort of
9 based on Mr. Moorehead's comments specifically for—
10 for new construction, and talking about sort of
11 baking in the bad performance if you, you know, sort
12 of incrementally, you know, try and meet these CO2
13 reduction goals. I'm of the opinion that all new
14 construction should immediately need to meet the 2050
15 goals because it can be done, and if you don't do
16 that, you're just building for lack of better words a
17 crappy building now that's not going to be
18 economically feasible to renovate in the near future.
19 That's just a dumb idea. The new construction should
20 meet the 2050 goal immediately, and then
21 incrementally using things like the Inner Fit Program
22 and PACE financing, you can start to address
23 retrofitting, you know, the—the majority of
24 structures in the city. Lastly, on, you know,
25 economic feasibility, there's a really interesting

2 fact sheet from the Association or was it the—the
3 American Council for an Energy Efficient Economy, the
4 ACEEE, which says every dollar invested in energy
5 efficiency measures results in \$2.53 of community
6 benefits. Okay, so that can address some of the
7 equity issues. Again, obviously reducing energy
8 demand is going to reduce energy burden on low-income
9 families, and one other sort of interesting
10 statistics—statistic with that is that every million
11 dollars invested in energy efficiency results in 18
12 to 20 jobs, which the economy—per—per year, which the
13 economy at large only contributes I think to about 15
14 or 16 if I'm—if I remember correctly. So, with that,
15 I strongly urge you to adopt this bill. I think it
16 needs to be adopted sooner or immediately. It needs
17 to be more aggressive and we need to do it now.

18 Thank you.

19 CHAIRPERSON CONSTANTINIDES: Thank you.
20 I definitely appreciate all of your testimonies as
21 I'll give a shout out to one of my groups in Queen.
22 I know that panic is about to build. Their Passive
23 House senior affordable housing building, and I am
24 very excited to see it open not just because we
25 desperately need more senior affordable and senior

2 appropriate housing in Queens, but also the fact that
3 they're doing a full Passive House is going to be a
4 big win for our community. So, we need to do more
5 projects like that. I definitely appreciate all of
6 your efforts and the efforts of those on this panel
7 beyond just Passive House to make our city greener
8 and more sustainable, and I appreciate you spending
9 your day with us because I know it's been a long day.
10 So, thank for waiting to testify and appreciate your
11 efforts and look forward to working with as we [ass
12 this legislation. Thank you. Alright the last panel
13 Richard Reese, City Atlas Institute of Sustainability
14 at Hunter College; Theo Miller, Hunter College; Paul
15 Van Lyden, DC37; James May Meister NYCDAS; Sarah
16 Lyons, DSA. This might be—how many people are—
17 Gestaho Grodillo, DSA; John Flynn, Rockaway
18 Revolution; Ellen Osuna. She's still here. Okay and
19 Peter Scarpelli from Pegasus Capital Advisors. Is
20 there anyone else who wish to testify who thinks I—
21 they filled out a cards but maybe you didn't?
22 Alright, so then this will be our last panel. So,
23 while you're setting up, I don't know if you're
24 ready, I'll start on this side of the table. Great.
25 Yep, you're—you're going start.

2 MALE SPEAKER: They were both.

3 CHAIRPERSON CONSTANTINIDES: Oh, alright.

4 I got lots of reading today. Thank you. Alright, let
5 me know when you're ready for your Evan.

6 I think I'm ready,

7 CHAIRPERSON CONSTANTINIDES: You're
8 ready. Alright, you've got four minutes. There you
9 go. Make sure you push the red button so you--so you
10 actually can testify on the record. There you go.

11 PETER SCARPELLI: I will try not to take
12 the full four minutes, but I appreciate the
13 opportunity to speak to the Council this morning or
14 this afternoon. Thank you very much. My name is
15 Pete Scarpelli with Pegasus Capital Advisors.
16 Pegasus is a sustainability focused private equity
17 company based here in New York. We do operate
18 globally, but we've been focused on energy and
19 sustainability solutions for approximately 20 years,
20 and rise today in support of the bill, and I--I would
21 like to talk a few moments about, you know, what--what
22 is possible for me in the area of energy efficiency
23 and how buildings can benefit. I have personally
24 been with Pegasus Capital for about two years now. So
25 about 2-1/2 years or so. Prior to joining Pegasus

2 Capital, I was the Global Head of Energy and
3 Sustainability for CVRE, the world's largest real
4 estate management company, and I-I built the E&S
5 business, the Energy and Sustainability business for
6 CVRE [coughing] around the world, and I worked with
7 corporate customers everywhere in high-rise office
8 towers here throughout the city. I do recall when
9 the city came up with its benchmarking ordinance a
10 few years back and that was a landmark event in the
11 real estate industry and it helped propel strategies
12 or solutions in other cities across-around the world,
13 and In congratulate you on that, but what I've also
14 come to learn is that energy efficiency itself there
15 are very simple solutions that can be deployed. The
16 challenge I think that exists today is education and
17 know ledge to most of the building managers and
18 owners on things that they can implement. You know
19 the energy efficiency industry has fundamentally been
20 targeting kind of the top 20% of buildings just
21 because from economic perspective it's relatively-you
22 can afford to have sales teams and people going out
23 to see those individuals, but when you get to the
24 other 80% of the buildings, they-they don't really
25 have a direct conduit for clean knowledge and

2 information about what is possible. So, before you
3 today I share a document from an organization called
4 Bit Building. Bit Building is a—a non-profit
5 organization, but I happen to be an advisory board
6 member. The building was created to provide
7 guidelines and solutions that the—the other 80% of
8 the buildings that don't have regular contact with
9 energy management officials—experts, very simple
10 strategies and guidelines that—that can be
11 implemented and deployed and that's the purpose of
12 this non-profit organization. So, I—I share this with
13 you just to put in the record that there are
14 solutions that are easy and economic for buildings to
15 deploy.

16 CHAIRPERSON CONSTANTINIDES: Thank you
17 very much for your testimony and it's good to hear.
18 I look forward to continue to speak with you about
19 those solutions and how they can make this
20 legislation stronger. Thank you.

21 PETER SCARPELLI: Good luck.

22 CHAIRPERSON CONSTANTINIDES: Next up.

23 ELLEN ASUNA: Okay, thank you. My name
24 is Ellen Asuna, a lifelong New Yorker who loves the
25 city. Perhaps not everyone would agree with the many

2 of us who feel this is the best city in the world,
3 but what is undeniably true is that New York City is
4 among the most profoundly influential cities in the
5 world. What we do here makes headlines. If it can
6 be done here, it can be done. Intro 1253 is
7 estimated to cut pollution from large buildings by
8 40% by 2030 over 80% by 2050. The savings in
9 greenhouse gases and air pollution are significant
10 given the size and number of NYC's large buildings,
11 and then there's the uncalculatable reverberations of
12 pollution reduction from other cities, towns and
13 countries who would follow our example and, of
14 course, as we know, there is so little time left to
15 take meaningful actions on climate change for the
16 sake of all beings on earth including not just future
17 generations but everyone alive now who hopes live
18 another decade or two. I'm going to divert somewhat
19 from my written testimony. The last two hearings I
20 attended or—and watched were about my development and
21 rezoning and there was a really clear delineation
22 between the public interest and the industry
23 interest. Today it's been heartening to hear a broad
24 expression of support and solutions and it seems like
25 a lot of people from different walks of life are

2 really on the same page, and to hear some great
3 solutions expressed such as the concern about, you
4 know, the hospitals and how much and where would the
5 money come from. It really seems like the ability to
6 do this is—is here and—and thank you. In conclusion,
7 as we know, energy does not have to be seen with the
8 unaided human eye to have significant effects.

9 Nuclear energy is not safe. It is not green. It is
10 not renewable, carbon free or seen, and gas extracted
11 from fracking is not at all natural. It is relevant
12 to be concerned about the—allowing of more fossil
13 fuel infrastructure into New York City and State Law.

14 We are trying to reduce our energy. Also, while
15 technology can be quite useful in efficient designs
16 and in power grids, and I'm certainly not denying
17 that, sometimes there is an inaccurate association of
18 things like Smart meters and small cell wireless
19 being necessary for energy efficiency. So, I am
20 including in my testimony provided to you information
21 on the on clear evidence of the serious health
22 dangers of wireless radiation specifically small cell
23 5G technology, which is orders of magnitude more
24 powerful to accept—affect the health of everyone
25 especially, but not only children, elderly pets and

2 those like myself who do not have strong
3 constitutions. If this does not seem germane to this
4 particular hearing, please hold hearings on this
5 topic. There is a lot of voices of health
6 professionals and people who need to be listened to
7 before 5G is rolled out all over New York City, which
8 it is pretty much doing as we speak. So, please pass
9 Intros 1251, 1252 and 1253, and please do not allow
10 5G small cell towers to put—to be put up before
11 soliciting and reviewing statements from public
12 health professionals and scientists. Thank you.

13 CHAIRPERSON CONSTANTINIDES: Thank you.
14 Next.

15 PAUL FAMLINENTOOL: Yes. Thank you for
16 having us here. My name is Paul Famlinentool. I'm
17 from DC37 Climate—Climate Justice Panel and I'm—I am
18 in Local—Local 1187, which is Librarians Brooklyn.
19 I'm actually here on behalf of John Foster also from
20 DC37. He is—he couldn't make it. He had an
21 emergency. So, I'm reading his statement if
22 possible. So, John Foster, Co-Chair. He's the Co-
23 Chair of DC37 Climate Justice Committee, former DC
24 service. I'm an Executive Vice President and also
25 former VP of Local 375 DC37. He represent about a

2 thousand architects, engineers and scientists that
3 work for New York City. We have been working—we have
4 been with CW4A Coalition on this legislation for
5 three years, and District Council 37 Is very
6 supportive Intro 1253 and we want to applaud—we want
7 to applaud the Speaker in taking this initiative and,
8 course, Council Member Constantinides. This is s
9 tremendous move towards the GHG emissions in New York
10 City. We need to reduce the emissions as
11 aggressively and as quickly as possible, and
12 especially given the former—the former ability to
13 either stronger storms and rising sea levels. At
14 present, this bill is very encouraging of the use of
15 city employees for administering—for administering
16 the bill. This is very important. The City of New
17 York has highly trained and highly skilled in-house—
18 in-house workforce many of whom are trained and
19 already working in clean energy technologies. All of
20 our climate change legislation should be structured
21 to create a win-win situation for New York City. We
22 should use our in-hour city workforce as much as
23 possible, and hire people locally in good career
24 track union jobs. While the brick and mortar—mortar
25 work is done by the private sector, it should be with

1 good project labor agreements. We do—we do need to
2 be very clear about oversight and enforcement of this
3 initiative. As this is mandate in the private
4 sector, this is critical to—to its success, and we
5 should again use the city workforce that is already
6 trained in these areas. With this in mind—with this
7 in mind we recommend two small changes to the bill.
8 First that the Director of the proposed Office of
9 Building and Energy Performance be a licensed design
10 professional probably an architect or an engineer,
11 and believe this level of expertise is credible—
12 critical to the proper functioning of this office,
13 and second that the public sector union should be
14 included in the Advisory Board composition.
15 Specifically, this would be in Section 28-322.1, and
16 as the public—the public sector unions are critical
17 to helping to make this legislation a success. Thank
18 you and I appreciate the opportunity to present our
19 position, and our concern, and personally, I'd like
20 to thank with two because, you know, I don't have to
21 retire to Florida, and the area is going to get
22 better here in New York as things is cheering up
23 here.
24
25

2 CHAIRPERSON CONSTANTINIDES: Thank you
3 very much. Thank you.

4 RICHARD REESE: Thank you for your
5 patience and than you Councilman Constantinides and
6 the Council. My name is Richard Reese. I added a
7 projected called City Atlas based at the Institute
8 for Sustainable Cities at Hunter College. Right now
9 I'm speaking on my own behalf, and I'll describe
10 something and then Theo who works with us is going to
11 also describe an idea. Really what I wanted to do
12 today the—the bills are terrific. So, we totally
13 support the bills. A concern is that the focus on
14 buildings can lead to tunnel vision, and I'll
15 describe that very quickly because in the time we
16 were here, people around the city are making money.
17 This city has a trillion dollar economy. Some
18 McKenzie partner made enough money in the time we've
19 been in this room to send his family to Greece for—
20 for Christmas, which is probably happening. In that
21 trip that family is going to quadruple at least their
22 building—their share of their building's footprint.
23 So, the—the city has framed the 70% of our buildings,
24 but the flip side is if you make over \$100,000 a
25 year, your share of your building's footprint is

2 probably less than 10%, less than 10% of your
3 emissions. Most of it is discretionary, plane
4 travel, the things you buy and the things you eat.
5 So, the—the city needs a full conversation and—and
6 the books that I pass along begin that conversation.
7 Of particular interest is a book that's the City
8 Atlas based at the Institute for Sustainable Cities
9 at Hunter College Report for Paris. So, that's how
10 Paris is dealing with it. It's a small paperback.
11 That's terrific example. That's one of the only
12 English language copies. It's precious, but I wanted
13 you to have it. They gave us four. They gave us
14 their last four.

15 CHAIRPERSON CONSTANTINIDES: That's very
16 kind of you. Thank you.

17 RICHARD REESE: Yeah, the—the team that
18 did that book is terrific. They want to work with
19 us. They'd love to work with the city. So, to
20 follow up on this, we can hopefully communicate with
21 you after separately, and we're on—we're on Twitter
22 @cityatlas is our handle on Twitter just @cityatlas.
23 So, a couple of quick demonstrations. Let's see.
24 I'll just take this. As you know, we have to
25 decarbonize quickly. That's what this is saying.

1 This is probably not possible any more. This is with
2 carbon capture. I just think it's part of what the
3 public dialogue has to include, and again my concern
4 with the focus on buildings is the public will see
5 that legislation going forward and they'll think it's
6 done, it's taken care of, but it's not. It's just—
7 it's just one step. This is—this is what's important
8 also to understand is that emissions are a function
9 of income. So, low-income New Yorkers are actually
10 close to meeting the target because they use public
11 transportation. They're not flying away five times a
12 year. It' your high-income New Yorkers have like a 50
13 ton footprint. This was a surprise to me until we
14 began really to studying emissions and 50-ton is the—
15 is the top ten percent. That only gets you into the
16 top ten percent. There's people 100 tons and more,
17 right? So, Amazon just brought 25,000 jobs to the
18 city. Those are going to be coders and people making
19 good money. They're going to land more up here
20 [bell] and it's not going to be, you know, it's going
21 to be because they're making money, and they're doing
22 what you do when you make money. So, we need a whole
23 conversation about this. The Paris book is a great
24 example of that. The last thing I'm going to say and
25

2 actually Theo has an idea that will—he'll describe
3 that the last thing I'll say here is we've—we've
4 designed a game to show you how to decarbonize the
5 city in terms of energy, and we'll have it—we'll have
6 the ability to produce it January, and we want to get
7 it to the City Council. We can train your staff on
8 the—to play it and—and then it will be a good tool
9 for working out some of these things. Now, I'll turn
10 it over to Theo.

11 CHAIRPERSON CONSTANTINIDES: Alright,
12 Theo.

13 THEO: Okay. So, I guess I'm the last
14 one talking all day. So, I'll be really quick. So,
15 I'm probably the least experienced and least
16 qualified to be talking.

17 CHAIRPERSON CONSTANTINIDES: Absolutely
18 not. We want to hear everyone's thoughts [coughing]
19 and your thoughts matter just as much as everyone
20 else's. So thank you for being here, and thank you
21 for participating.

22 THEO: Thank you. Yes, so thanks for—for
23 letting me talk. My name is Theo Miller. I was born
24 and raised in Brooklyn. I worked for Richard at City
25 Atlas. I'm talking on behalf of myself. While the

1 bills being discussed [coughing] this morning, I
2 guess this afternoon are well intentioned and
3 necessary, they overlook the most important factor in
4 New York City's response to climate change, public
5 will. The carbon reductions referenced throughout
6 today will simply not be achieved without a willing
7 and consenting public. The protest in France over
8 the past couple of weeks should be an important
9 lesson that top-down regulations will not be enough
10 on their own. New Yorkers must be given an
11 opportunity to learn, work, shop and discuss climate
12 policies. While clearly the buildings are really
13 important, I don't think that we can forget about the
14 people and their behaviors and their interests that
15 are inside of those buildings. Thus, in order to
16 fund climate education, New York City needs to pass a
17 law to-to basically to fund this continuous education
18 that needs to be done. Our idea is a percent for
19 climate law similar to percent for art, percent for
20 climate would require that 15 of budget receive
21 funded construction projects we spend on climate
22 education. Just as the city has recognized that for
23 over 30 years that the art sector is essential for a
24 vibrant New York. It is time that they do the same
25

1 for climate education. I think in this—all of our
2 release that New York has a truly unique opportunity
3 to be at the forefront of the response to climate
4 change. Yet, for that to actually happen, it must be
5 a mission that is not only passively accepted, but
6 actively desired by most of New Yorkers. A lot has
7 been said today about the inherent systemic and
8 political impediments to effective citywide climate
9 change policies. It seems to be accepted with—as
10 fact that well meaning regulations we oppose by
11 financially motivated business sectors supported by a
12 few environmentalist groups and passionate
13 individuals, and basically go virtually unnoticed by
14 the vast majority of New Yorkers. The resulting
15 process is slow, complicated and probably kind of
16 thankless for you guys, but the existing political
17 structures can be changed. Just because climate
18 change has been this impossible issue for the last 40
19 years doesn't mean it has to continue to be. So, I
20 think any investment that we're trying to make
21 through regulation into the future of New York City
22 in relation to climate change it needs to be a
23 simultaneous investment into educating just New
24 Yorker as to what's going on in their role. Thanks.
25

2 CHAIRPERSON CONSTANTINIDES: Theo, I
3 don't disagree with you at all. You know, we've
4 actually passed a resolution here in the Council
5 asking Albany to approve K through 12 climate change
6 education. So whether you're a kindergarten student
7 just getting started with your education or you're a
8 high school senior about to graduate that you would
9 receive climate change education that was
10 appropriate, and not just as part of a curriculum
11 where you check a box and say okay we did the climate
12 change thing, but actually integrating into
13 conversations on political science, on economics
14 because everything we do now is framed by climate
15 change. So, I wholeheartedly agree with you, and I
16 think that I would look forward to partnering with
17 you, and the work that you do on how- You know,
18 we've built hydroponic science labs in my district.
19 Actually 11 of my 17 schools we've funded through my
20 office, hydroponic science labs. We're actually
21 funding solar project in city schools, and not only
22 to get the renewable energy benefit, but also have
23 panels for the students to learn from. Like here's
24 how much fossil fuels we've averted. Here's how much
25 greenhouse gas emissions we've averted. Here's how

2 much renewable energy has been created. So, when
3 these buildings go online in the near future, there's
4 opportunities not just to save—not to burn fossil
5 fuels, but also to have young people start the—the
6 fire in their own head on what we could do better to
7 have in their communities greener buildings and a
8 greener future.

9 THEO: Alright, you know, it's great to
10 hear that. Thank you.

11 CHAIRPERSON CONSTANTINIDES: And so I
12 look forward to working with you and all of you on
13 making that happen. So thank you for your time, and
14 thank you all for waiting through 5—almost 5-1/2
15 hours with the testimony. So, thank you for your
16 time. [background comments] Alright, so I just
17 really want to really thank everyone—everyone who
18 testified today. You were all part of a conversation
19 that's going to change this city. At the end of the
20 day, as was said earlier today this--when we do move
21 these bills forward, it will be the largest emissions
22 reduction policy in the history of not just this city
23 but any city in the world and that is meaningful and
24 your kind—your part of this conversation has
25 contributed to that. So, I thank you for it. We

2 look forward to be very deliberative in getting this
3 done. I want to make sure I thank our Speaker Corey
4 Johnson for his strong environmental leadership.

5 [cheers]

6 SERGEANT-AT-ARMS: Keep it quiet/

7 CHAIRPERSON CONSTANTINIDES: I want to
8 make sure I thank all of our team here and, of
9 course, I want to thank all my colleagues who co-
10 sponsored this bill, all the advocates and—and—and-
11 and men and women who gave of their time. I, you
12 know, particularly want the New York community to be
13 changed. You know, Ms. Norris and Rachel Rivera who
14 talked about asthma rates and talked about losing,
15 you know, what happened to their home during
16 Hurricane Sandy, those stories stick with us
17 throughout this entire process. So, thank you for
18 sharing those stories and to Samara Swanston and
19 Nadia Johnson on our staff. Thank you to Jonathan
20 Seltzer and Nicole Labib and Austin Branford and
21 Terzah Nasser and Megan Chin. Thank you from central
22 staff. Thank you for your great work, and to my own
23 staff Nick Wizowski my counsel; Terrence Cohen my
24 Communications Director; and Nick Wilson, my Chief of
25 Staff; and Niki Kokkins, my Director of Land Use.

2 Thank you for all of your great work. To all the
3 sergeant-at-arms who helped us run well today, thank
4 you for your hard work and we look forward to moving
5 this bill forward soon. So with that, I will—bills
6 not bill—bills soon. So, wit that I will gavel this
7 committee hearing of the Environmental Protection
8 Committee closed. [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 December 10, 2018