Committee on Consumer Affairs and Business Licensing Committee on Environmental Protection

Balqees Mihirig, *Senior Counsel* Samara Swanston, *Counsel*

Leah Skrzypiec, *Policy Analyst* Nadia Johnson, *Senior Policy Analyst*

Sebastian Bacchi, *Senior Finance Analyst* Ricky Chawla, *Policy Analyst*

Jonathan Seltzer, *Senior Finance Analyst*

Committee on Resiliency and Waterfronts Committee on Health

Jessica Steinberg Albin, *Counsel* Ze-Emanuel Hailu, *Senior Counsel*

Patrick Mulvihill, *Senior Policy Analyst* Sara Liss, *Senior* *Counsel*

Jonathan Seltzer, *Senior Finance Analyst* Emily Balkan, *Senior Policy Analyst*

Lauren Hunt, *Finance Analyst* John Cheng*, Finance Analyst*



**THE COUNCIL OF THE CITY OF NEW YORK**

**BRIEFING PAPER AND COMMITTEE REPORT OF THE**

**GOVERNMENTAL AFFAIRS, INFRASTRUCTURE AND HUMAN SERVICES DIVISIONS**

Jeffrey Baker*, Legislative Director*

Rachel Cordero*, Deputy Director, Governmental Affairs Division*

Terzah Nasser*, Deputy Director, Infrastructure Division*

Andrea Vazquez, *Deputy Director, Human Services Division*

**COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING**

*Hon. Andrew Cohen, Chair*

**COMMITTEE ON RESILIENCY AND WATERFRONTS**

*Hon. Justin L. Brannan., Chair*

**COMMITTEE ON ENVIRONMENTAL PROTECTION**

*Hon. Costa Constantinides, Chair*

**COMMITTEE ON HEALTH**

*Hon. Mark Levine, Chair*

**May 26, 2020**

**Oversight: Consolidated Edison’s Summer Preparations and the City’s Cooling Needs**

**PRECONSIDERED INT. NO. :** By Council Member Brannan

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths

ADMINISTRATIVE CODE: Adds new section 17-199.13

**PRECONSIDERED INT. NO. :** By Council Member Salamanca

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan

ADMINISTRATIVE CODE: Adds new section 30-116

1. **INTRODUCTION**

On May 26, 2020, the Committees on Consumer Affairs and Business Licensing, Resiliency and Waterfronts, Environmental Protection, and Health will hold a joint, remote oversight hearing on Consolidated Edison’s (Con Ed) summer preparations and the City’s cooling needs. The Committees will also be hearing testimony on two pieces of legislation: Preconsidered Int. No. \_\_\_, a Local Law in relation to annual reporting of heat vulnerability and heat-related deaths, sponsored by Council Member Brannan, and Preconsidered Int. No. \_\_\_, a Local Law in relation to a comprehensive cooling and communication plan, sponsored by Council Member Salamanca. The Committees have invited representatives from Con Ed, City agencies, consumer and environmental justice advocates, and other stakeholders to testify.

1. **BACKGROUND**

On March 7, 2020 Governor Andrew Cuomo declared a state of emergency in response to the spread of a novel coronavirus known as COVID-19. On March 20, the Governor ordered all non-essential businesses to close and residents to remain at home. With summer approaching and the COVID-19 crisis now forcing people to work from home, there are serious concerns that the City may not be sufficiently prepared to address the cooling needs of residents. Many of those most vulnerable to COVID-19, namely the elderly and those with underlying health conditions, are likewise prone to heat related illnesses and deaths.

In March, prior to the closure of non-essential businesses, the Speaker of the City Council released a policy paper, *Securing Our Future: Strategies For New York City in the Fight Against Climate Change*.[[1]](#footnote-1) As part of the policy paper’s analysis on the many impacts of climate change was a discussion on protecting the public health by mitigating and adapting to rising temperatures. As discussed in greater detail there, the majority of heat-related deaths in New York City are likely not direct and are instead deaths where heat was a contributing factor for individuals already weakened or with an underlying condition.[[2]](#footnote-2) Additionally, heat-related deaths are not distributed evenly among the City’s population. Black people were disproportionately represented, making up almost half of all heat-related deaths.[[3]](#footnote-3) Poverty may also be a contributing factor to heat-related deaths, particularly for persons who either do not have an air conditioner or who cannot afford the utility costs of its operation.[[4]](#footnote-4) Among the policy paper’s strategies were recommendations to develop a comprehensive cooling plan, to improve how the City measures deaths where heat is a contributing factor, and to increase cooling assistance, such as by funding air conditioner installation and operation for vulnerable populations.[[5]](#footnote-5) These strategies have since taken on greater importance, as cooling centers and public spaces may either be closed or restricted due to the need for social distancing, making the need for cooling assistance even greater.

Compounding these concerns, such cooling assistance requires a reliable electric grid. Yet, in the summer of 2019, New York City experienced numerous blackouts across the five boroughs despite assurances from Con Ed that it was prepared to handle the increased summer power demands. Another weather concern is that experts are predicting an active hurricane season this year, with projections significantly above normal. Experts forecast 16 named tropical storms,[[6]](#footnote-6) eight of which are expected to reach hurricane status with winds greater than 74 mph.[[7]](#footnote-7) An active storm season, coupled with rising temperatures, raises the specter that power outages this summer could pose even greater challenges for vulnerable New Yorkers.

1. **RECENT POWER OUTAGES AND FAILURES**

In July 2019, the United States and multiple countries in Europe experienced record temperatures, becoming the hottest month ever recorded in human history.[[8]](#footnote-8) On the weekend of July 20, a heat wave advisory was issued affecting numerous regions in the United States, including New York City.[[9]](#footnote-9) At least six deaths were attributed to the heatwave in other states.[[10]](#footnote-10)

Prior to the heat wave, Con Ed assured residents that it was prepared. The President of Con Ed, Tim Cawley, told reporters that Con Ed was “ready for what the heat will bring,” stating that Con Ed “[spent] a full year preparing for the high demand that summer brings,” and that they invested $1.5 billion in their energy-delivery systems. [[11]](#footnote-11) However, despite such assurances, the City experienced a number of serious power outages attributed to the heat, equipment failures and storm activity.

The first major outage hit the Upper West Side of Manhattan on July 13. The blackout affected at least 73,000 customers.[[12]](#footnote-12) On July 21, 2019, temperatures rose to 102 degrees Fahrenheit and parts of New York City began losing power, including Flushing and Richmond Hill in Queens, Park Slope, Flatbush and Brighton Beach in Brooklyn, and Lincoln Square in Manhattan. Smaller outages were also recorded in parts of the Bronx and Staten Island.[[13]](#footnote-13) In total, approximately 10,000 customers were affected across the five boroughs.[[14]](#footnote-14)

To cope with the increased demand, attend to repairs and prevent further outages, Con Ed intentionally cut power to certain Brooklyn neighborhoods and reduced the power output in others. On the hottest day of the year, Con Ed cut power to 30,000 customers in Canarsie, Mill Basin and Flatbush, and reduced voltage in Prospect Lefferts Gardens, Prospect Heights, Flatlands, Bergen Beach and Georgetown.[[15]](#footnote-15) According to the New York Times, this was due to cable failures at the substation serving the area. Five of the 19 cables failed, leaving 14 to handle a heavier-than-normal electricity flow, possibly resulting in a system-wide failure affecting the entire area.[[16]](#footnote-16) No explanation for the failure was given, other than the cuts being “necessary to prevent longer outages.”[[17]](#footnote-17)

In response, the City Council held an oversight hearing last fall to question Con Ed executives on the blackouts. When questioned over whether, in hindsight, Con Ed maintained they were prepared for the heatwave, David DeSanti, Vice President of Brooklyn and Queens Electric Operations for Con Ed replied “the outcomes are the outcomes.”[[18]](#footnote-18) Furthermore, when asked how Con Ed will prepare for increased demand, given that some of the blackouts occurred during non-peak times, Con Ed indicated that smart meters were their main solution. These meters would allow Con Ed to structure their pricing to encourage less use during peak demands.[[19]](#footnote-19) However, not all households will have the luxury of reducing their use of air conditioners, particularly now that most New Yorkers are confined to their homes due to the COVID-19 crisis.

* 1. Pattern of outages and infrastructure failures

The power outages experienced by New Yorkers in the summer of 2019 were, unfortunately, not a unique experience. Con Ed has a history of failing to meet the City’s demand for electricity, due to a raft of systemic failures. In 1999, hundreds of thousands of Con Ed’s customers lost power during a heat wave.[[20]](#footnote-20) The Attorney General’s office conducted an investigation and determined that Con Ed customers lost power because numerous elements of Con Ed’s electricity supply system failed and that their preparations for the heat wave were inadequate.[[21]](#footnote-21)

In 2003, an outage hit the whole City and lasted 29 hours. In 2006, there was another outage, which mainly hit Queens, and lasted eight days. In 2012, after Superstorm Sandy, numerous parts of the City experienced outages for days or weeks.[[22]](#footnote-22) Like the 1999 and 2019 outages, all of the blackouts in between were deemed to have been caused by various types of equipment failures.[[23]](#footnote-23)

Although Con Ed claims to have spent $1.5 billion in 2018 to upgrade its transformers and replace underground feeder cables, experts claim that such upgrades are routine maintenance projects that utilities need to conduct to ensure that the grid keeps functioning.[[24]](#footnote-24) Furthermore, Con Ed’s prioritization of projects and focus on replacing equipment appears insufficient to respond to the City’s increasing energy demands. In their testimony in the recent rate case before the Public Service Commission, witnesses testifying on behalf of the City expressed concern that Con Ed’s focus on replacing equipment was shortsighted, and called for a paradigm shift in the Company’s approach. Rather than focus on mere maintenance and equipment replacement, they testified that the Company must “examine opportunities to invest in research and development, demonstration projects and alternative solutions such as [non wire solutions or NWS] to replacing failed equipment.”[[25]](#footnote-25)

* 1. Con Ed’s Responses to the 2020 COVID-19 Emergency

To date, Con Ed’s COVID-19 response has primarily focused on assisting customers facing financial distress during this crisis. For instance, they have issued a moratorium on shut-offs so that no customer will have their power cut for a lack of payment.[[26]](#footnote-26) Additionally, Con Ed has said that they will waive all new late-payment fees and are offering customers an opportunity to negotiate payment extension plans.[[27]](#footnote-27) However, unlike other utilities,[[28]](#footnote-28) Con Ed has not announced that it is suspending its rate increase, which was recently approved by the Public Service Commission, increasing residential customer bills on average by $6.37 per month.[[29]](#footnote-29)

During this hearing, the committees look forward to examining how Con Ed plans to address the troubling weather forecasts for this summer, and particularly how it intends to ensure that vulnerable customers, such as the elderly and those with underlying medical conditions, will not face power shutoffs during this unprecedented time of need.

1. **CLIMATE CHANGE AND COVID-19**

Temperatures have been rising more rapidly over the last century, and one in ten Americans are currently living in rapidly heating regions, including New York City.[[30]](#footnote-30) Heatwaves in the City are exacerbated by the Urban Heat Island (UHI) effect, a phenomenon in which urban areas experience higher temperatures than surrounding suburban and rural areas, largely because of heat-retaining concrete and asphalt, less vegetation and more industrial functions.[[31]](#footnote-31) According to a study by the University of Maryland published last year, temperatures in New York City will be up to 5℃ warmer, with a climate similar to Jonesboro, Arkansas by 2080.[[32]](#footnote-32)

Urban areas can be up to 5.4 degrees Fahrenheit warmer during the day and up to 22 degrees Fahrenheit hotter at night than surrounding rural and suburban areas, affecting City residents’ quality of life and the City’s infrastructure.[[33]](#footnote-33) For example, buildings retain heat overnight, which prevents people from sleeping well, air pollution can be worse on hotter days and that may lead to respiratory problems, and warmer conditions may also lead to heavy rainfall causing flooding.[[34]](#footnote-34)

Over the last decade, the City has experienced some of its hottest summer months ever recorded,[[35]](#footnote-35) and heat waves like the one that hit the City in July 2019 are expected to become more frequent. The New York City Panel on Climate Change (NPCC) predicts that heat waves, which are defined as three or more days with temperatures at or above 90 degrees Fahrenheit, will be longer, hotter and more frequent especially in areas where the UHI effect is present, like many areas in the City.[[36]](#footnote-36) NPCC also predicts for the 2020s that the City will experience two to four heat waves per year, with each heat wave lasting four to six days.[[37]](#footnote-37) By 2050, the frequency of heat waves and the number of days above 90 degrees Fahrenheit is expected to nearly triple.[[38]](#footnote-38)

According to the Center for Disease Control and Prevention, an average of 13 City residents died each year from heat-related illnesses between 2000 and 2011. These deaths were primarily among people from poorer neighborhoods and with underlying health conditions.[[39]](#footnote-39) However, some studies indicate that this number may be much lower than the actual number of heat-related deaths because of how a “hot day” is defined.[[40]](#footnote-40) The City also reports an average of 115 excess heat-related deaths, 150 heat-related hospitalizations, and 450 heat-related emergency department visits each year.[[41]](#footnote-41) With rising temperatures because of climate change, the risk of extreme heat waves will become more acute each year.[[42]](#footnote-42)

* 1. Predictions for NYC’s 2020 Summer and COVID-19

Public health experts are warning that COVID-19 could make heat waves much deadlier, and disproportionately affect elderly and low-income residents, many of whom are less likely to have or use air conditioning units.[[43]](#footnote-43) The elderly and those with underlying health conditions are being urged to stay at home because of COVID-19. However, “the people who need to stay home the most are in the greatest danger of dying there during a heat wave.”[[44]](#footnote-44) In recent years, over 80 percent of heat-related deaths occurred in homes without air conditioning in New York City.[[45]](#footnote-45) Furthermore, new data released on the number of cases and deaths by zip code show a worrying overlap between the neighborhoods most affected by COVID-19 and those that lost power in the summer of 2019.[[46]](#footnote-46)

Typically, New Yorkers visit the City’s many pools, parks, beaches and cooling centers, to stay cool on hot days during the summer months.[[47]](#footnote-47) The Department of Parks and Recreation (DPR) operates and maintains over 60 public pools and approximately 14 miles of beaches.[[48]](#footnote-48) Beaches and pools are typically open for swimming from Memorial Day weekend through the week after Labor Day.[[49]](#footnote-49) City beaches host millions of visitors per year. It was reported that in 2018, approximately 16 million people visited DPR beaches, including 7.4 million visitors at Coney Island beaches and 5.5 million visitors in Rockaway beaches.[[50]](#footnote-50) In April 2020, the Mayor announced that all of the City’s pools will be closed for the summer because of COVID-19,[[51]](#footnote-51) and currently, there are no plans to open the City’s beaches this summer.[[52]](#footnote-52) DPR has also closed playgrounds, recreation centers, nature centers, the High Line, amusement parks and skate parks, and other places many residents seek refuge throughout the summer.[[53]](#footnote-53) However, the City Council is exploring ways to keep beaches open while maintaining social distancing.[[54]](#footnote-54) Speaker Corey Johnson stated that with the closure of playgrounds and pools, City residents will need a place to go during the summer months. Social distancing enforcement would be a difficult task, but the City is exploring limiting the number of people allowed on a beach at a time.[[55]](#footnote-55)

It is also unclear whether cooling centers will be open this summer. Cooling centers are facilities set up around the City, such as senior centers, libraries and community centers where people can stay cool during a heat emergency.[[56]](#footnote-56) Mayor de Blasio announced in mid-May 2020 that they would look to establish “non-traditional cooling centers”[[57]](#footnote-57) in spaces such as school classrooms, auditoriums and sporting venues.[[58]](#footnote-58) However, social distancing may become challenging even in these larger spaces. There are also concerns about air conditioners increasing the risk of spreading coronavirus amongst groups of people.[[59]](#footnote-59) Mayor de Blasio also announced that the City is creating a $55 million program to provide over 74,000 air conditioners to certain New Yorkers without air conditioning units, with approximately 22,000 of such units being distributed to NYCHA residents.[[60]](#footnote-60)

With State and City coffers taking a huge hit because of COVID-19, and budget cuts looming, securing funding to support the City’s various cooling initiatives is vital. The federal government provided the State with $28.8 million in stimulus money to provide low-income New Yorkers with assistance for their energy bills.[[61]](#footnote-61) New York City officials are now lobbying to ensure a “significant portion” of this funding can be used “for expanded cooling assistance this summer,” according to a letter to Governor Cuomo obtained by Politico.[[62]](#footnote-62) The signatories to this letter argue that the COVID-19 crisis “will create enormous new need for cooling assistance this summer” and thus the City requires adequate funding to address these needs.[[63]](#footnote-63)

1. **CONCLUSION**

History has shown that despite numerous inquiries, commitments, investments and increased rates, Con Ed has failed to address the significant flaws within its delivery system so that it can reliably meet the City’s electricity needs. With people now working from home during the COVID-19 emergency, the demand for air-conditioning over the summer will only increase. Pair this with rising temperatures, increased humidity and the urban heat island effect, and New York City’s grid is particularly vulnerable. Unfortunately, it is still unclear whether the utility has made the required adjustments to address these needs and ensure that New Yorkers have reliable and constant power through the upcoming summer months. It is also unclear whether the Mayor’s cooling plans will provide adequate protection for vulnerable New Yorkers most affected by the COVID-19 pandemic.

1. **BILL ANALYSIS**
   1. Preconsidered Int. No. \_\_\_, in relation to annual reporting of heat vulnerability and heat-related deaths

This preconsidered legislation would require the Department of Health and Mental Hygiene to annually report on neighborhood heat vulnerability and the number of heat-related deaths, including direct heat stress deaths, and indirect heat exacerbated deaths.

This bill would take effect immediately.

* 1. Preconsidered Int. No. \_\_\_, in relation to a comprehensive cooling and communication plan

This preconsidered legislation would require the Office of Emergency Management and the Department of Health and Mental Hygiene to prepare a plan by June 30, 2020, describing how the city would inform residents on the dangers of heat exposure, how to access cooling, including cooling centers, and how vulnerable populations can stay cool during heat-related emergencies. The plan would also include measures for large office buildings to reduce stress on the electric grid during the summer months. The plan would be updated annually.

This bill would take effect immediately.

Preconsidered Int. No.

By Council Member Brannan

..Title

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.13 to read as follows:

§ 17-199.13 Report on heat vulnerability and heat-related deaths. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Heat exacerbated death. The term “heat exacerbated death” means a natural cause death likely resulting from an existing health condition exacerbated by heat.

Heat stress death. The term “heat stress death” means a death directly attributed to heat on a death certificate, or with an underlying or contributing cause of i) excessive natural heat or ii) effects of heat and light, as such conditions are described in the International Classification of Diseases Version 10 coding system.

Heat vulnerability. The term “heat vulnerability” means the estimated risk of heat stress deaths and heat exacerbated deaths occurring in a geographical area based on social and environmental factors identified by the department.

b. No later than January 15, 2021, and by January 15 annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department’s website an annual report of the total number of heat stress deaths and heat exacerbated deaths in the city in the preceding calendar year. Such report shall also describe the relative heat vulnerability of each neighborhood tabulation area in the preceding calendar year.

c. The annual report required by subdivision b of this section shall include a table in which each separate row references a unique heat stress death or heat exacerbated death. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. The month in which the death occurred;

2. The age of the decedent;

3. The race or ethnicity of the decedent;

4. The neighborhood tabulation area of the decedent; and

5. A unique and anonymous identification code corresponding to the decedent about whom information is being reported.

d. The annual report required by subdivision b of this section shall also include:

1. A data dictionary;

2. A description of social and environmental factors assessed by the department to determine heat vulnerability; and

3. A description of methods used to derive heat vulnerability and identify heat exacerbated heat deaths.

e. Upon a determination that reporting unique heat-related deaths as required by subdivision b of this section is impracticable, the department may instead provide an estimate of the number of heat exacerbated deaths in the preceding calendar year. Such estimate shall be an average of the current year and preceding years’ estimates and shall be reported at the smallest interval of time that yields a reliable estimate.

f. Except as otherwise provided in this section, no report required by subdivision b of this section shall contain personally identifiable information.

g. The commissioner may promulgate such rules as may be necessary to implement the provisions of this section.

§ 2. This local law takes effect immediately.

APB

LS 13897

5/8/2020 4:10 PM

[PAGE INTENTIONALLY LEFT BLANK]

Preconsidered Int. No.

By Council Member Salamanca

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-116 to read as follows:

§ 30-116 Comprehensive cooling and communication plan. a. Definitions. For purposes of this section, the following terms have the following meanings:

Cooling center. The term “cooling center” means any facility that is designated by the city to provide air-conditioned relief to the public whenever there is an occurrence or a forecast of a heat-related emergency.

Heat index. The term “heat index” means a measurement of the combined air temperature and relative humidity that attempts to determine the human-perceived equivalent temperature.

Heat-related emergency. The term “heat-related emergency” means the level at which the heat index is deemed to be unsafe or unhealthy for vulnerable populations, as determined by the commissioner of health and mental hygiene.

Urban heat island effect. The term “urban heat island effect” means the increase in urban air temperature as compared to surrounding suburban and rural temperature.

Vulnerable population. The term “vulnerable population” means any group of persons that are sensitive to or otherwise at a greater health risk than the general population from a heat-related emergency.

b. No later than June 30, 2020 and on or before every March 1 thereafter, the commissioner of emergency management and the commissioner of health and mental hygiene, in consultation with the director of long-term planning and sustainability and any other relevant office or agency, shall submit to the council and make available to the public on the city’s website a plan describing how the city will provide individuals with information on the dangers of heat exposure, access to cooling, including cooling centers, and how vulnerable populations can stay cool during heat-related emergencies. Such plan shall include, but not be limited to, the following:

1. a mechanism to assess the city’s cooling needs generally and the cooling needs of vulnerable populations when the heat index reaches a certain number, as determined by the commissioner of health and mental hygiene;

2. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene will communicate to residents the dangers of heat exposure, including information about the urban heat island effect, heat index, heat-related emergencies and other relevant information pursuant to this section;

3. a description of the temperature, heat index and other conditions under which the city will open cooling centers, including: (a) whether such centers can be safely opened; (b) the feasibility of practicing social distancing in such centers, including a description of any necessary procedures to ensure social distancing and any appropriate cleaning, if applicable; (c) the locations of such centers by street address, cross streets, and ZIP code; and (d) the hours of operations, maximum capacity, minimum capacity, and accessibility for individuals with disabilities for each such center;

4. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene will communicate the information in paragraph 3 of this subdivision to residents on or before May 1 of each year;

5. if cooling centers are not expected to be open or if they will be insufficient to serve the needs of vulnerable populations, a description of how the city will provide such vulnerable populations with cooling during a heat-related emergency, including but not limited to the direct provision of, and support for, residential cooling mechanisms, and a description of how the commissioner of emergency management will communicate this information to vulnerable populations;

6. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene, or any other relevant office or agency, will provide public communications, written or otherwise, in the designated citywide languages, as defined in section 23-1101, and whether communications in any additional languages are needed based on the demographics of current or anticipated vulnerable populations;

7. an evaluation of the measures taken to reduce the number of heat-related deaths during the previous summer season and a description of the measures the commissioner of emergency management and the commissioner of health and mental hygiene will take to further reduce the number of heat-related deaths in the upcoming summer season; and

8. a plan for office buildings to set thermostats at or above a specific temperature to reduce stress on the electric grid, including a description of the heat conditions during which such a plan should be activated, a recommendation on the temperature or temperatures to which such thermostats should be set, and a descripton of how to ensure compliance with such plan when activated.

c. The commissioner of emergency management and the commissioner of health and mental hygiene shall update the plan described in subdivision b of this section by March 1 of each year.

§ 2. This local law takes effect immediately.

JSA

LS #13899

5/18/2020

1. Securing Our Future: Strategies for New York City in the Fight Against Climate Change, available at: <http://council.nyc.gov/data/wp-content/uploads/sites/73/2020/03/Securing-our-Future_Report-2020.r4.pdf> [↑](#footnote-ref-1)
2. Id. at 47. [↑](#footnote-ref-2)
3. Id. [↑](#footnote-ref-3)
4. Id. [↑](#footnote-ref-4)
5. Id. at 50-51. [↑](#footnote-ref-5)
6. Some projections put the number at 17 named tropical storms. *See:* Judson Jones, “Experts Agree this Hurricane Season will be Above-Average, Maybe Even Extremely Active,” *CNN,* May 8, 2020, available at: <https://www.cnn.com/2020/05/08/weather/hurricane-season-2020-forecast-above-average/index.html>. [↑](#footnote-ref-6)
7. Jeff Berardelli, “‘Above normal’ 2020 Atlantic hurricane season on tap, researchers forecast, *CBS News*, April 2, 2020, available at: <https://www.cbsnews.com/news/2020-atlantic-hurricane-season-colorado-state-university-forecast-released-today-2020-04-02/>. [↑](#footnote-ref-7)
8. Brady Dennis and Andrew Freedman “Here’s how the hottest month in recorded history unfolded around the world”, *Washington Post*, August 5, 2019, available at: <https://www.washingtonpost.com/climate-environment/2019/08/05/heres-how-hottest-month-recorded-history-unfolded-around-globe/>. [↑](#footnote-ref-8)
9. Katie Reilly and Josiah Bates “An ‘extremely dangerous’ heat wave will hit 195 million Americans this weekend. Here’s how to stay safe”, *Time*, July 19, 2019, available at: <https://time.com/5628121/united-states-heat-wave-july/>. [↑](#footnote-ref-9)
10. Justin Carissimo “Massive heat wave blamed for at least 6 deaths”, *CBS News*, July 21, 2019, available at: <https://www.cbsnews.com/live-news/heat-wave-2019-extreme-heat-advisory-warning-deaths-latest-weather-forecast-us-nyc-2019-07-20/>. [↑](#footnote-ref-10)
11. Tim Cawley as quoted by: Maura Grunlund “Con Ed is ready for NYC heat wave that ‘will rival’ top weekend demand for electricity”, *SI Live*, July 19, 2019, available at: <https://www.silive.com/news/2019/07/con-ed-is-ready-for-nyc-heat-wave-that-will-rival-top-weekend-demand-for-electricity.html>. [↑](#footnote-ref-11)
12. James Barron and Mihir Zaveri “Power restored to Manhattan’s West Side after major blackout”, *New York Times*, July 13, 2019, available at: <https://www.nytimes.com/2019/07/13/nyregion/nyc-power-outage.html>. [↑](#footnote-ref-12)
13. Max Jaeger “10,000 New Yorkers lose power at height of Sunday heat”, *NY Post*, July 21, 2019, available at: <https://nypost.com/2019/07/21/10000-new-yorkers-lose-power-at-height-of-sunday-heat/>. [↑](#footnote-ref-13)
14. Id. [↑](#footnote-ref-14)
15. Chris Perez “ConEd taking 30K people off power for repairs, says de Blasio”, *NY Post*, July 21, 2019, available at: <https://nypost.com/2019/07/21/con-ed-taking-30k-people-off-power-for-repairs-says-de-blasio/>. [↑](#footnote-ref-15)
16. Michael Gold and Patrick McGeehan “Con Edison points to record-breaking power usage to explain shutdown”, *New York Times*, July 22, 2019, available at: <https://www.nytimes.com/2019/07/22/nyregion/brooklyn-power-outage-nyc.html>. [↑](#footnote-ref-16)
17. Con Ed “Re: Southeast Brooklyn outages”, July 22, 2019, available at: <https://www.coned.com/en/about-us/media-center/news/20190722/con-edison-statement>. [↑](#footnote-ref-17)
18. David DeSanti in “Transcript of the minutes of the Committee on Consumer Affairs and Business Licensing jointly with Committee on Resiliency and Waterfronts and Committee on Environmental Protection”, September 4, 2019, available at: <https://nyc.legistar.com/View.ashx?M=F&ID=7705192&GUID=D2927BC3-354A-49D3-B8F1-4821DB0C03A5>, p. 35. [↑](#footnote-ref-18)
19. Id, p. 88. [↑](#footnote-ref-19)
20. Office of the Attorney General “Con Edison’s July 1999 Electric Service Outages: A Report to the People of the State of New York” March 9, 2000, available at: <https://www.ag.ny.gov/sites/default/files/press-releases/archived/coned.pdf>, p. 1. [↑](#footnote-ref-20)
21. Id, p. 7. [↑](#footnote-ref-21)
22. Lauren Cook “A brief history of blackouts in New York City”, *AM New York*, July 15, 2019, available at: <https://www.amny.com/news/blackouts-nyc-1.33881190>. [↑](#footnote-ref-22)
23. Id. [↑](#footnote-ref-23)
24. Gwynne Hogan “’They dragged their feet’: Con Ed’s plan for heat waves is years behind schedule”, *Gothamist*, July 24, 2019, available at: <https://gothamist.com/2019/07/24/con_ed_heat_wave_plan_years_late.php>. [↑](#footnote-ref-24)
25. Ke Wei, John Marczewski, P.E. and Alex Boutsioulis, P.E. , on behalf of the City of New York, Testimony to the NYS Department of Public Service on Consolidated Edison of New York rate cases 19-E-0065 and 19-G-0066, filed May 24, 2019, available at: [http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={9D8B94B8-7698-463B-AE0A-5B645CE6461F}](http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7b9D8B94B8-7698-463B-AE0A-5B645CE6461F%7d). [↑](#footnote-ref-25)
26. Con Edison “Help during Coronavirus”, April 22, 2020, available at: <https://www.coned.com/en/about-us/media-center/news/coronavirus/updates>. [↑](#footnote-ref-26)
27. Con Edison “Help during Coronavirus”, April 22, 2020, available at: <https://www.coned.com/en/about-us/media-center/news/coronavirus/updates>. [↑](#footnote-ref-27)
28. Public Service Commission “PSC Chair approves orders suspending rate increases in response to COVID-19”, March 25, 2020, available at: <http://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/EFCBF3CC9E94E9268525853500649D06/$File/pr20033.pdf?OpenElement>. [↑](#footnote-ref-28)
29. Bernadette Hogan, “State commission approves Con Edison rate hikes on city electric and gas”, *NY Post*, Jan. 16, 2020, available at: <https://nypost.com/2020/01/16/state-commission-approves-con-edison-rate-hikes-on-city-electric-and-gas/?utm_source=First+Read+Newsletters&utm_campaign=a97b03ad75-EMAIL_CAMPAIGN_2020_01_17_10_58&utm_medium=email&utm_term=0_252d27c7d1-a97b03ad75-34707812&mc_cid=a97b03ad75&mc_eid=8dd499739f>. [↑](#footnote-ref-29)
30. Steven Mufson, Chris Mooney, Juliet Eilperin and John Muyskens, “2℃: Beyond The Limit, Extreme Climate Change has Arrived in America,” *The Washington Post,* August 13, 2019, available at: <https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-america/>. [↑](#footnote-ref-30)
31. Id. [↑](#footnote-ref-31)
32. Pam Radtke “Death, blackouts, melting asphalt: ways the climate crisis will change how we live,” *The Guardian,* August 20, 2019, available at: <https://www.theguardian.com/cities/2019/aug/20/death-blackouts-melting-asphalt-ways-the-climate-crisis-will-change-how-we-live?utm_campaign=citylab-daily-newsletter&utm_medium=email&silverid=%25%25RECIPIENT_ID%25%25&utm_source=newsletter>. [↑](#footnote-ref-32)
33. See: “Cool Neighborhoods NYC: A Comprehensive Approach to Keep Communities Safe in Extreme Heat,” June 2017, available at: <https://www1.nyc.gov/assets/orr/pdf/Cool_Neighborhoods_NYC_Report_FINAL.pdf> [↑](#footnote-ref-33)
34. Pam Radtke “Death, blackouts, melting asphalt: ways the climate crisis will change how we live,” *The Guardian,* August 20, 2019, available at: <https://www.theguardian.com/cities/2019/aug/20/death-blackouts-melting-asphalt-ways-the-climate-crisis-will-change-how-we-live?utm_campaign=citylab-daily-newsletter&utm_medium=email&silverid=%25%25RECIPIENT_ID%25%25&utm_source=newsletter>. [↑](#footnote-ref-34)
35. Jeff Coltin, “Bracing for Heat Waves and Hurricanes During a Pandemic,” *City & State New York,* May 6, 2020 available at: <https://www.cityandstateny.com/articles/policy/small-business/coronavirus-adjusts-plans-future-emergencies.html>. [↑](#footnote-ref-35)
36. New York City Panel on Climate Change” 2019 Report, Chapter 2: New Methods for Assessing Extreme Temperatures, Heavy Downpours, and Drought, section 2.3 ‘Extreme temperature and humidity,’”, (March, 2019, available at: <https://nyaspubs.onlinelibrary.wiley.com/doi/10.1111/nyas.14007#nyas14007-bib-0047>. [↑](#footnote-ref-36)
37. New York City Panel on Climate Change “2019 Report, Chapter 2: New Methods for Assessing Extreme Temperatures, Heavy Downpours, and Drought, section 2.3.2 ‘New methods for projected changes in heat waves’” 2019 , available at: <https://nyaspubs.onlinelibrary.wiley.com/doi/10.1111/nyas.14007#nyas14007-bib-0047> (last visited Feb. 26, 2020). [↑](#footnote-ref-37)
38. New York City Panel on Climate Change “2019 Report, Chapter 2: New Methods for Assessing Extreme Temperatures, Heavy Downpours, and Drought, Table 2.2 ‘Results from new projection methods for future assessments of heat wave across 52‐member ensemble (26 models, RCPs 4.5 and 8.5) for New York City” 2019 , available at: <https://nyaspubs.onlinelibrary.wiley.com/doi/10.1111/nyas.14007#nyas14007-bib-0047> (last visited May. 20, 2020). [↑](#footnote-ref-38)
39. Kay Dervishi, “Vulnerable New Yorkers hit hardest by COVID-19 – and heat waves”, *City & State*, May 12, 2020, available at: <https://www.cityandstateny.com/articles/politics/new-york-city/vulnerable-new-yorkers-hit-hardest-covid-19-–-and-heat-waves.html>. [↑](#footnote-ref-39)
40. Kay Dervishi, “Vulnerable New Yorkers hit hardest by COVID-19 – and heat waves”, *City & State*, May 12, 2020, available at: <https://www.cityandstateny.com/articles/politics/new-york-city/vulnerable-new-yorkers-hit-hardest-covid-19-–-and-heat-waves.html>. [↑](#footnote-ref-40)
41. New York City Environmental Justice Alliance, NYC Climate Justice Agenda, “Midway to 2030: Building Resiliency and Equity for a Just Transition”, April 2018, available at: <https://www.nyc-eja.org/wp-content/uploads/2018/04/NYC-Climate-Justice-Agenda-Final-042018-1.pdf>. [↑](#footnote-ref-41)
42. Kay Dervishi, “Vulnerable New Yorkers hit hardest by COVID-19 – and heat waves”, *City & State*, May 12, 2020, available at: <https://www.cityandstateny.com/articles/politics/new-york-city/vulnerable-new-yorkers-hit-hardest-covid-19-–-and-heat-waves.html>. [↑](#footnote-ref-42)
43. Anna M. Phillips and Tony Barboza, “Summer heat waves could be deadlier because of COVID-19, health officials warn”, *Los Angeles Times*, May 6, 2020, available at: <https://www.chicagotribune.com/coronavirus/ct-nw-coronavirus-summer-heat-waves-20200506-2wzd2rkrura7hjdwb3bchb2vcy-story.html>. [↑](#footnote-ref-43)
44. Anna M. Phillips and Tony Barboza, “Summer heat waves could be deadlier because of COVID-19, health officials warn”, *Los Angeles Times*, May 6, 2020, available at: <https://www.chicagotribune.com/coronavirus/ct-nw-coronavirus-summer-heat-waves-20200506-2wzd2rkrura7hjdwb3bchb2vcy-story.html>. [↑](#footnote-ref-44)
45. See: NYC Health Website available at: <https://www1.nyc.gov/site/doh/health/emergency-preparedness/emergencies-extreme-weather-heat.page>. [↑](#footnote-ref-45)
46. Michael Schwirtz and Lindsey Rogers Cook, “These N.Y.C. Neighborhoods Have the Highest Rates of Virus Deaths,” *New York Times*, May 18, 2020, available at: <https://www.nytimes.com/2020/05/18/nyregion/coronavirus-deaths-nyc.html?action=click&module=Top%20Stories&pgtype=Homepage>. [↑](#footnote-ref-46)
47. See: NYC Health Website available at: <https://www1.nyc.gov/site/doh/health/emergency-preparedness/emergencies-extreme-weather-heat.page>. [↑](#footnote-ref-47)
48. Department of Parks and Recreation Website, About the New York City Department of Parks & Recreation, <https://www.nycgovparks.org/about>. [↑](#footnote-ref-48)
49. See,Department of Parks and Recreation Website, available at: <http://www.nycgovparks.org/facilities/beaches>. [↑](#footnote-ref-49)
50. Lisa L. Colangelo, “City Beaches Saw Their Best Numbers in Three Years, According to the Parks Department,” *AM New York*, October 22, 2018, available at <https://www.amny.com/news/nyc-beach-pool-attendance-1.22232998>. [↑](#footnote-ref-50)
51. Isabelle Bousquette, “New York City Outdoor Pools Closed During Summer 2020, the Fate of Beaches Still Unclear,” available at: <https://www.newyorkfamily.com/new-york-city-outdoor-pools-closed-during-summer-2020-the-fate-of-beaches-still-unclear/>. [↑](#footnote-ref-51)
52. Caroline Spivak, “Should NYC’s beaches open for the summer?” *Curbed New York*, April 20, 2020, available at: <https://ny.curbed.com/2020/4/20/21228274/nyc-beaches-closed-summer-coronavirus-pandemic>. [↑](#footnote-ref-52)
53. See,Department of Parks and Recreation Website, available at: <https://www.nycgovparks.org/about/health-and-safety-guide/coronavirus>. [↑](#footnote-ref-53)
54. See Spectrum News Website available at: <https://www.ny1.com/nyc/all-boroughs/politics/2020/04/28/the-city-council-is-looking-into-ways-to-keep-city-beaches-open->. [↑](#footnote-ref-54)
55. See Spectrum News Website available at: <https://www.ny1.com/nyc/all-boroughs/politics/2020/04/28/the-city-council-is-looking-into-ways-to-keep-city-beaches-open->. [↑](#footnote-ref-55)
56. See: NYC Emergency Management Website available at: <https://maps.nyc.gov/oem/cc/inactive.html>. [↑](#footnote-ref-56)
57. Caroline Spivack “Here’s how NYC plans to keep New Yorkers cool this summer”, *Curbed New York,* May 15, 2020, available at: <https://ny.curbed.com/2020/5/15/21259952/new-york-city-summer-beaches-parks-air-coronavirus?mc_cid=c966480a64&mc_eid=812115127a>. [↑](#footnote-ref-57)
58. Reuven Blau “NYC eyes schools as social distance-friendly cooling centers”, *The City*, May 18, 2020, available at: <https://thecity.nyc/2020/05/nyc-eyes-schools-as-social-distance-friendly-cooling-centers.html?mc_cid=4c58901ed2&mc_eid=8dd499739f>. [↑](#footnote-ref-58)
59. Jianyun Lu, et. al., COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020, The Centers for Disease Control and Prevention, available at <https://wwwnc.cdc.gov/eid/article/26/7/20-0764_article> [↑](#footnote-ref-59)
60. Mayor de Blasio Announces COIVD-19 Heat Wave Plan to Protect Vulnerable New Yorkers, May 15, 2020, available at: <https://www1.nyc.gov/office-of-the-mayor/news/350-20/mayor-de-blasio-covid-19-heat-wave-plan-protect-vulnerable-new-yorkers>. [↑](#footnote-ref-60)
61. Danielle Muoio “City pushing for more funding from state to keep residents cool”, *Politico*, May 18, 2020. [↑](#footnote-ref-61)
62. Id. [↑](#footnote-ref-62)
63. Id. [↑](#footnote-ref-63)