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**The New York City Council**

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**Committee Report of the Infrastructure Division**

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**Committee on Environmental Protection**

Hon. Costa Constantinides, Chair

**September 22, 2020**

**Int. No. 1947:** By Council Members Constantinides, Kallos, Reynoso, Lander, Levin, Gibson, Van Bramer, Rosenthal, and Rivera

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to rent regulated accommodations

**Administrative Code:** Amends section 28-320.1

**Int. No. 2072:** By Council Members Constantinides and Kallos

**Title :** A Local Law to amend the administrative code of the city of New York in relation to greenhouse gas emissions reduction methods and outreach and education

**Administrative Code:** Amends sections 28-320.3.7 and 28-320.5

1. **Introduction**

On September 22, 2020, the Committee on Environmental Protection will hold a hearing on the following legislation: Int. No. 1947, in relation to the definition of rent regulated accommodations; and Int. No. 2072, in relation to education and outreach pertaining to methods of reducing greenhouse gas emissions. The Committee expects to hear testimony from representatives from the Mayor’s Office of Sustainability (MOS), the New York City Department of Buildings (DOB), environmental advocates, and other interested parties.

1. **Background**

In 2018, the United Nations Intergovernmental Panel on Climate Change (IPCC) identified 1.5° Celsius of warming above pre-industrial levels as the point over which irreversible environmental changes and potential loss of ecosystems become increasingly likely.[[1]](#footnote-1) According to the United States (US) Global Change Research Program’s Fourth National Climate Assessment, failure to significantly mitigate global man-made carbon emissions will lead to increasing rates of sea level rise, increased frequency of extreme weather events, and rising temperatures, which are expected to cause ongoing damage to critical infrastructure, property, and economic productivity.[[2]](#footnote-2) A study published in Environmental Health Perspectives in 2017, estimated that over 3,000 people a year could die of heat-related illness in New York City by 2080 due to climate change, compared to an average of 638 heat-related deaths between 2000 and 2006, if no action is taken to reduce greenhouse gas emissions from human activities.[[3]](#footnote-3)

*New York City’s Emissions Reductions Commitments*

Local Law 22 of 2008 mandates a 30% reduction of citywide emissions by 2030 relative to a 2005 baseline and a 30% reduction in city government emissions by 2017.[[4]](#footnote-4) Mayor Michael Bloomberg Administration’s *PlaNYC: A Greener, Greater New York*, which was announced in April 2007, also called for a 30% reduction in citywide greenhouse gas output by 2030.[[5]](#footnote-5) In 2014, Mayor Bill de Blasio Administration updated these goals, calling for a 40% reduction in citywide emissions by 2030, and an 80% reduction in citywide emissions by 2050, as part of the “*One City, Built to Last: Transforming New York City’s Buildings for A Low-Carbon Future*” initiative.[[6]](#footnote-6) In the OneNYC 2050 Plan released in April 2019, the de Blasio Administration updated these goals to a 100% clean energy system by 2040, and net zero citywide emissions by 2050.[[7]](#footnote-7) In March of 2020, the office of City Council Speaker Corey Johnson published a report titled Securing our Future: Strategies for New York City in the Fight Against Climate Change, acknowledging the threat New York City’s large population faces from rising sea levels and the increasing frequency of severe weather events.[[8]](#footnote-8) The report outlines a series of actions that can be taken by the city to mitigate our contribution toward global greenhouse gas emissions, as well as strategies to build resilience toward the consequences of the warming that has already occurred.[[9]](#footnote-9)

*Meeting New York City’s Emissions Reductions Goals*

Local Law 97 of 2019 sets emission limits for buildings greater than 25,000 square feet,[[10]](#footnote-10) which represent approximately 50,000 buildings, comprising nearly 60% of New York City’s building area.[[11]](#footnote-11) The law sets emissions intensity limits for buildings split across 10 categories, with intensity calculated in metric tons of emissions per square foot.[[12]](#footnote-12) The emissions intensity limits for a specific building is calculated as the emissions intensity limit for the building category multiplied by gross floor area of the specific building.[[13]](#footnote-13) Rules will be promulgated by the Office of Building Energy and Emissions Performance within the Department of Buildings, and are expected to be released in 2023, along with a report outlining metrics and requirements.[[14]](#footnote-14) The most carbon intensive 20% of buildings are expected to work towards compliance starting in 2024, with limits expanding to the most carbon intensive 75% of buildings starting in 2030.[[15]](#footnote-15)

Of the approximately 50,000 buildings covered by Local Law 97, 59% are residential, and 41% are commercial in nature.[[16]](#footnote-16) According to the New York City 2017 Greenhouse Gas Inventory, buildings are responsible for 60% of the city’s annual carbon emissions.[[17]](#footnote-17) The definition of “rent regulated housing” currently outlined in Local Law 147 of 2019 permits residential buildings containing even a single rent regulated unit to comply with prescriptive measures, in lieu of meeting specific emissions reductions.[[18]](#footnote-18) Int. No. 1947 would raise the applicability threshold for a building to opt for prescriptive measures rather than specific emissions reductions to buildings containing at least 35% rent regulated units,[[19]](#footnote-19) greatly expanding the universe of residential buildings that must comply with specific emissions reductions goals.

*Access to Information and Climate Outcomes*

According to the IPCC’s 2010 Far Climate Change Response Strategies report, an environmentally informed global population is a necessary component of addressing climate change and responding to the challenges it manifests.[[20]](#footnote-20) Because the issue can seem either overwhelming or irrelevant, targeted and clear information dissemination can assist actors in understanding the scale and severity of the issue, as well as enable them to feel empowered to act on it.[[21]](#footnote-21) Studies have shown that access to better information has a direct positive effect on the quality of decisions made.[[22]](#footnote-22) There are also real world examples connecting access to information to positive environmental outcomes.[[23]](#footnote-23) The Namib Desert Environmental Education Trust used community education to spread awareness of solar ovens as a viable alternative to wood fired cooking, thereby empowering local communities to participate in actions[[24]](#footnote-24) to reduce deforestation[[25]](#footnote-25) and avoid hazardous health consequences.[[26]](#footnote-26) In other instances, training programs offering courses in solar electrical engineering were able to catalyze sustainable community led development of solar resources in Senegal and India.[[27]](#footnote-27) Providing building owners and residents with accurate information regarding strategies and technologies that can help reduce carbon emissions will empower them to make better and more responsible decisions toward meeting New York City’s emissions reductions commitments.

1. **Legislation**

Int. No. 1947 would amend the term “rent regulated accommodation” to mean a building in which more than 35% of dwelling units are required to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962. This local law would take effect immediately.

Int. No. 2072 would amend the title of section 28-320.5 of the Administrative Code to clarify that building owners are required to file certain reports regarding compliance or non-compliance with applicable buildings emissions limit established pursuant to Local Law 97 of 2019. It would also require reporting by the Office of Building Energy and Emissions Performance regarding the methods used to meet the emissions limits, the total number of buildings in each occupancy category in compliance, and require outreach, education, and reporting on the details of these efforts. This local law would take effect immediately.

Int. No. 1947

By Council Members Constantinides, Kallos, Reynoso, Lander, Levin, Gibson, Van Bramer, Rosenthal and Rivera

A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to rent regulated accommodations

Be it enacted by the Council as follows:

Section 1. The definition of “RENT REGULATED ACCOMMODATION” in section 28-320.1 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:

**RENT REGULATED ACCOMMODATION.**The term “rent regulated accommodation” means a building [containing one or more] in which more than 35% of dwelling units are required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962.

§ 2.  This local law takes effect immediately.

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| Int. No. 2072    By Council Member Constantinides    A Local Law to amend the administrative code of the city of New York in relation to greenhouse gas emissions reduction methods and outreach and education    Be it enacted by the Council as follows:  Section 1.  Section 28-320.3.7 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:  **§ 28-320.3.7 Reports required to be filed by owner.** By May 1, 2025, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:    1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or    2.                      Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.    **§ 28-320.3.7.1 Extension of time to file report.** An owner may apply for an extension of time to file an annual report required by section 28-320.3.7 in accordance with this section and the rules of the department. An extension may be granted where the owner is unable to file the certified report by the scheduled due date despite such owner's good faith efforts, as documented in such application. An extension granted pursuant to this section shall not modify the owner's obligation to comply with the applicable emission limits for such calendar year.    **§ 28-320.3.7.2 Reporting on compliance by the department.**By November 1, 2025 and November 1 of every year thereafter, the office of building energy and emissions performance shall submit a report to the mayor and the speaker of the city council regarding compliance with this section, including, but not limited to:    1.                     Methods used by buildings to meet the emissions limits established where such buildings were previously not in compliance, including retrofitting the building and purchasing clean energy, disaggregated by method and further disaggregated by number of buildings; and    2.                     The total number of buildings in each occupancy group and the number of buildings in compliance with emissions limits, disaggregated by occupancy group.    § 2. Section 28-320.5 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to add a new section 28-320.5.1 to read as follows:  **§ 28-320.5 Outreach and education**. The office of building energy and emissions performance shall establish and engage in outreach and education efforts to inform building owners about building emissions limits, building emissions intensity limits and compliance with this article. The materials developed for such outreach and education shall be made available on the office's website. Such outreach shall include a list of city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which buildings reasonably could be eligible. The office of building energy and emissions performance shall also provide outreach, education, and training opportunities for buildings' maintenance and operations staff.    **§ 28-320.5.1.** **Reporting on outreach and education.** The office of building energy and emissions performance shall submit a report to the mayor and the speaker of the council by February 1, 2021 and by February 1 in every year thereafter, detailing all outreach and education made available to building owners, building maintenance and operations staff, building tenants and the public including, but not limited to information provided about incentive programs and other sources of funding. Such report shall also include the number of staff members working at the office of building energy and emissions performance.    § 3.  This local law takes effect immediately.              NKA  8/20/2020  LS 11205 |

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