



## Legislation Text

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**File #:** Res 0507-2010, **Version:** \*

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### Res. No. 507

Resolution calling upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

By Council Members Koppell, Dromm, Fidler, Lander, Palma, Sanders Jr., Vann, Williams, Rodriguez, Nelson, Van Bramer, Levin, Brewer, Lappin, Vallone, Crowley, Gennaro, Jackson, Comrie, Barron, Dickens and Reyna

Whereas, New York City continually confronts the problems of air pollution, compromised water quality, and the "urban heat island effect", which is the difference in temperature between a city and the surrounding countryside and is caused by the expanse of dark surfaces, which absorb solar radiation instead of reflecting it away, causing the temperature of the surfaces and the air around them to rise, as well as transferring collected heat inside of buildings; and

Whereas, The "urban heat island effect" is increased when cities have less foliage to shade buildings, intercept solar radiation, and cool the air; and

Whereas, In New York City, specifically, the urban heat island effect is estimated to be 3.6°F to 5.4°F warmer than its surrounding suburbs in the summer; and

Whereas, Combined sewer overflows (CSOs) regularly occur during periods of rainfall or snowmelt in New York City, resulting in the annual emission of billions of gallons of untreated sewage and stormwater directly into our waterways; and

Whereas, Stormwater, itself, may also contain a number of harmful pollutants, including heavy metals, grease and oil, toxins, bacteria and sediments; and

Whereas, The United States Environmental Protection Agency has designated the New York Metropolitan Area as a "nonattainment area " for PM2.5 and ozone, meaning that our area does not meet the

National Ambient Air Quality Standards set for those pollutants pursuant to the Clean Air Act; and

Whereas, Air quality is a vital concern, particularly since one in eight New Yorkers has been diagnosed with asthma at some point during their lives; and

Whereas, A green roof is a roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane, which also protects the integrity of the underlying roof; and

Whereas, A green roof is also a roof that includes, among other things, a vegetation layer of drought-resistant, hardy plant species; and

Whereas, Green roofs provide a number of environmental and public health benefits, including reduction of the urban heat island effect, stormwater retention, improved air quality, energy conservation, and habitat, in addition to economic, recreational and aesthetic advantages; and

Whereas, The urban heat island effect, water pollution resulting from stormwater runoff, and air quality problems should be addressed in a practical and environmentally acceptable manner; and

Whereas, In April 2007, New York City released its long-term sustainability plan, PlaNYC, which promotes the use of Best Management Practices (BMPs) to control and capture stormwater using distributed and natural infrastructure solutions; and

Whereas, Source control stormwater management is a critical component of the City's strategy to reduce CSOs; and

Whereas, As little as 1/10 of an inch of rain can overwhelm the capacity of sewer infrastructure and result in 2 billion gallons of raw sewage annually entering the City's rivers, creeks, canals and other bodies of water; and

Whereas, The use of BMPs such as green roofs to divert storm water from the combined sewer system can prove to be an innovative and cost effective approach to

improve and protect water quality; and

Whereas, Despite the numerous environmental, recreational and aesthetic benefits associated with the installation of green roofs, residential homeowners and developers are often reluctant to install green roofs because the cost can be twice as expensive compared to the installation of a conventional roof; and

Whereas, In August 2007, the Council of the City of New York passed Resolution 1004, which called upon the New York State Legislature to amend the New York State Real Property Tax Law, with respect to properties in the City of New York, to establish a declining property tax exemption on properties constructed or reconstructed where such construction or reconstruction includes the installation of a green roof; and

Whereas, In August 2008, New York State Governor David Paterson signed into law Chapter 461 of the Laws of 2008, which provides a one-year tax abatement to encourage construction and maintenance of green roofs in New York City; and

Whereas, Specifically, the State law provides for a one-time tax abatement for the construction of a "green roof" on a class one, two or four building in the City of New York equal to \$4.50 per square foot up to \$100,000 for green roof installations that cover at least 50% of the eligible rooftop; and

Whereas, The Green Roof Tax Abatement, which is applied through the New York City Department of Finance and administered by the New York City Department of Buildings, is a pilot program that would sunset March 15, 2013; and

Whereas, According to the Memorandum in Support of the State legislation enacting the Green Roof Tax Abatement, the results of this pilot program will be reassessed prior to the sunset date of March 15, 2013, to determine whether it should be extended, modified or broadened to include other stormwater management technologies; and

Whereas, The current abatement defines a green roof as “an addition to a roof of an eligible building that covers at least fifty percent of such building's eligible rooftop space and includes (a) a weatherproof and

waterproof roofing membrane layer that complies with local construction and fire codes, (b) a root barrier layer, (c) an insulation layer that complies with the Energy Conservation Construction Code of New York state and local construction and fire codes, (d) a drainage layer that complies with local construction and fire codes and is designed so the drains can be inspected and cleaned, (e) a growth medium, including natural or simulated soil, with a depth of at least two inches, (f) if the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium, such as a non-woven fabric, pad or foam mat, unless the green roof is certified not to need regular irrigation to maintain live plants, and (g) a vegetation layer, at least eighty percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species”; and

Whereas, The current Green Roof Tax Abatement does not allow for vegetable growing, as it does not allow contain language classifying a green roof as one that is covered by live food producing plants; and

Whereas, In addition to stormwater management and air pollution control, green roofs can provide new opportunities for urban agriculture; and

Whereas, There are many benefits to growing and distributing food locally including support of the local economy; increased access to food; fresher produce; decreased travel time to market and related environmental costs; and control of soil, fertilizer and pesticides; and

Whereas, Amending section 499-aaa of the Real Property Tax Law to allow the Green Roof Tax Abatement to be extended to live food producing plants would allow for more green roof owners to take advantage of this Green Roof Tax Abatement as well provide owners with fresher locally grown produce; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend section 499-aaa of the New York State Real Property Tax Law to allow the Green Roof Tax Abatement to extend to owners who produce live food producing plants.

LS#1460