

REBNY Testimony | January 27, 2020

The Real Estate Board of New York to The Committee on Resiliency and Waterfronts of the New York City Council Concerning Intros 2092 and 2098 and Resolutions 1389 and Preconsidered T2021- 7074

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Committee on Resiliency and Waterfronts for the opportunity to submit feedback on Intro 2092 regarding climate design resiliency guidelines and scoring and Intro 2098 regarding freeboard elevations. We also wish to voice strong support for the Resolutions to restore funding to the tributary study and to amend the Stafford Act.

Climate change is real and requires collective effort from both the public and private sectors to deal with the crisis at hand. REBNY shares in the scientific community consensus that significant action is needed to mitigate and reduce the impacts of climate change to avoid devastating consequences, and that this requires both resiliency efforts such as mitigation to sea level rise and approaches to reduce overall carbon consumption to slow changes to the climate itself. REBNY strongly supports the City's goal to reduce carbon emissions 80 percent by 2050 and notes that the difference in opinion has historically been around implementation measures for tackling this problem, and not on the need to reduce emissions.

REBNY is proud to represent members who are innovating in the fields of building construction and technology to reduce carbon footprints, increase energy efficiencies and take concrete steps to strengthen climate resilience. In light of climate change-related events throughout the past decade, which cost the city over \$19 billion, acting together is how best to prepare for both storm-surge events and day-to-day sea level rise. However, that approach must be flexible to the unpredictability of natural disasters in addition to pegging to the year over year changes in rainy day flooding, sea level rise, heat patterns and the like. As seen with Hurricane Sandy, which brought sea levels significantly higher than anticipated in the flood insurance maps, tying interventions to one tool or data metric may prove inadequate.

It is for these reasons that we question the utility of Intro 2198. Mandating an increase in elevation of one to two feet without regard for individual site conditions and geography, building programmatic needs, and the many modes of flood-proofing intervention that are available appear to run at cross-purposes with the best practices espoused in the city's design guidelines that this body seeks to institutionalize through local law with Intro 2092. This bill also seeks to accomplish through legislative fiat a standard that may already be outmoded, and does not build upon the vast expertise and stakeholder engagement that is part of the city's code revision process, nor from the city's Zoning for Coastal Resiliency text amendment (N 100095 ZRY) that is currently in public review and will come to the City Council for assessment in the coming months. Lastly, it is baffling to ask for funding a study at one level of government and then choose to ignore all of the ongoing study and work, which will appear before this body, on the other.

If President Ford told the City to drop dead, Trump in 2020 told us to drown, yanking financial support from the United States Army Corps of Engineers' New York-New Jersey Harbor and Tributaries (USACE HATs) Focus Area Feasibility Study and effectively stalling consideration and planning for any regional intervention to address the threats of sea level rise and storm surge for New York City and the neighboring counties in Long Island and New Jersey. Therefore, REBNY strongly supports Resolution 1389-2020 that calls upon the United States Congress to restore funding to USACE HATs Focus Area Feasibility Study, and the States of New York and New Jersey to advance their shares of the next phase of funding to revive the study until it is fully restored by the Congress. REBNY also extends its support to the resolution calling for amendments to the Stafford Act to allow for mitigation funding as a proactive expenditure in the planning and construction of FEMA and HUD coastal resiliency projects. Predictive modelling has only gotten better and preventative measures should be planned for.

Resiliency infrastructure will be costly and will take time to build, but inaction will lead to even more cost and if the challenge is unmet, there will be little left to rebuild. REBNY supports increasing resiliency planning to protect the future of our City. Thank you for the opportunity to share these concerns with the committee.

Bill-specific feedback as follows:

BILL: Int. 2092-2020

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to climate resiliency design guidelines and resiliency scoring

SPONSORS: Councilmembers Constantinides, Kallos, Rosenthal, Lander, Cornegy, Levin and Rose

This bill would require the Office of Long-Term Planning and Sustainability (OLTPS) to develop climate resiliency design guidelines, pursuant to a pilot program, for City capital projects. OLTPS, in consultation with other City agencies and members of the public with expertise in climate resiliency, climate design and the built environment, would also use the climate resiliency design guidelines to develop a climate

resiliency score metric for capital projects. Such score would account for flooding risk, energy efficiency, energy resilience and on-site water capture and management.

REBNY supports this bill. Institutionalizing best practices to carry across administrations is a laudable benefit of the proposal. Creating a pilot program to tackle construction and retrofits in city facilities, requiring all agencies to participate, will be a strong sample for testing those best practices to gauge flexibility and find appropriate metrics for long-term success. These public sector projects must be carefully assessed before such requirements are assigned to private development to ensure practicality, efficacy, and identify costs that may require further incentives or restructuring of implementation timelines. Additionally, consideration should be given to existing regulatory agreements and restrictions for those properties that are leased to the city by the private sector. Again, flexibility in adaptation is important not just in the physical interventions along the coastline but on a building by building basis as well.

BILL: Int. 2198

SUBJECT: A Local Law to amend the New York City building code, in relation to additional freeboard for structures in the floodplain

SPONSORS: Councilmembers Matteo, Rosenthal and Rose

This bill would require that structures located in the floodplain be elevated an additional one-to-two feet, depending on the type of structure, to provide additional floodproofing of those structures.

We need strong, coordinated climate change mitigation efforts to address the climate crisis. However, successful climate change adaptation requires multiple modes of intervention. Not every building encounters the same risks in the same way and a one-size fits all approach is anathema to the science, site-specific constraints and neighborhood level risk. We strongly encourage the City Council to withdraw this bill which lacks the thoughtful analysis that is seen in the code revision process. Both the October 2020 Building Bulletin which establishes evaluation criteria for glazing systems used for dry floodproofing in special flood hazard areas and the resiliency related text changes proposed by the Department of City Planning to the City of New York Zoning Resolution involved extensive technical stakeholder engagement and better frame the necessary interventions for buildings.

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**Testimony of Carlos Castell Croke
Associate for NYC Programs
New York League of Conservation Voters**

**City Council Committee on Resiliency and Waterfronts
Hearing on Intro 2092
January 25, 2021**

Good afternoon, my name is Carlos Castell Croke and I am the Associate for New York City Programs at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chair Brannan for the opportunity to testify today.

Environmental advocates and community leaders alike have been echoing that climate change is no longer a problem of the future, it is here now. Therefore, resiliency and climate adaptation are just as important as energy efficiency, emissions reduction, and natural areas preservation. We must proactively address the threats climate change poses to our city by preparing for the impacts that it will ultimately bring.

One way to do this is to ensure that the city is effectively using data we have on climate change in the planning process for capital projects. NYLCV supports Intro 2092, which seeks to codify the Climate Resiliency Design Guidelines (CRDGs) that are currently updated and managed by the Mayor's Office of Resiliency. The CRDGs seek to use climate change data to accurately and responsibly design future capital projects. By codifying these guidelines into law, NYC will be able to protect its future investments in capital projects from the increasingly devastating effect of climate change such as frequent storms and sea level rise. These guidelines will also encourage the use of nature based solutions to resiliency such as rain gardens and green infrastructure that help to purify our air and beautify our neighborhoods while absorbing stormwater.

Furthermore, we support a Rise to Resilience Act bill package that would include this bill as well as legislation to create a suite of climate indicators to inform land use decision-making and capital budgeting, and a five borough coastal resilience plan. We need comprehensive, holistic planning to respond to climate change.

Thank you for the opportunity to testify.