

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING
AND BUILDINGS

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HELD AT: Council Chambers - City Hall

B E F O R E: Jumaane D. Williams
Chairperson

COUNCIL MEMBERS:

Rosie Mendez
Ydanis A. Rodriguez
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.
Mark Levine
Helen K. Rosenthal
Ritchie J. Torres
Barry S. Grodenchik
Rafael Salamanca, Jr.
Eric A. Ulrich
Daniel Garodnick

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

Rick Chandler
NYC Department of Buildings Commissioner

Nilda Mesa
Director of Office of Sustainability

Gina Bocra
Chief Sustainability Officer

Laurie Kerr
Director of Policy for Urban Green Council

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Victor Nazario
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Frank Ricci
Rent Stabilization Association

Joseph Rosenberg
Catholic Community Relations Council

Marcia Eisenberg
Director of Legal Assistance of Jewish
Organizations

David Pollock
Jewish Relations Council

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

Mary Ann Rothman
Council of New York Cooperatives and
Condominiums

Annel Hernandez
NYC Environmental Justice Alliance

Abbey Brown
Environmental Defense Fund

Jordan Levine
New York League of Conservation Voters

Samantha Wilt
Natural Resources Defense Council

Josh Kellerman
ALIGN

Daniel Nall
NYC Energy Codes Committee

Daniel Karpen
Engineer

1
2 CHAIRPERSON WILLIAMS: Good morning,
3 everyone. My name is Jumaane Williams, Chair of
4 Council's Committee on Housing and Buildings. Today
5 I'm joined by Council Member Garodnick. It's also my
6 first full hearing since I've been back. For those
7 who don't know, I was ill for a little while. I just
8 want to make sure I gave my thank you's again to
9 everyone who gave well wishes and prayers. It was
10 greatly appreciated, including the Housing Committee
11 Staff. So, I just want to thank you guys very much
12 for what you did, and I'm sure it helped move past to
13 where I am today, and I have a new hair-do, so I know
14 some people are still getting used to that. We are
15 here today to discuss four bills related to energy
16 usage in New York City, Intro Number 1160, Intro
17 Number 1163, Intro Number 1165, and Intro Number
18 1169. Intro Number 1160, sponsored by Council Member
19 Constantinides in conjunction with the Mayor, would
20 expand the current electrical tenant sub-meter
21 requirements to buildings that are 25,000 gross
22 square feet or larger and to non-multiple dwelling
23 tenant spaces that are 5,000 gross square feet or
24 larger. Intro Number 1163 sponsored by Council Member
25 Garodnick in conjunction with the Mayor would expand

2 the City's benchmarking requirement for energy and
3 water efficiency to buildings 25,000 gross square
4 feet or larger and would also require the Department
5 of Buildings to establish a system to assist such
6 buildings in meeting their benchmark requirements.

7 Intro Number 1165 sponsored by Council Member
8 Richards in conjunction with the Mayor would require
9 owners of buildings 25,000 square feet or larger to
10 upgrade the lighting systems in their buildings so
11 that they are in compliance with the standards for
12 new systems set forth in New York City Energy
13 Conservation Code. Intro Number 1169 sponsored by
14 myself by request for the Mayor is an update to New
15 York City Energy Conservation Code. It includes
16 several technical and substantive city-specific
17 amendments to the state energy code and also to the
18 energy standards of the American Society of Heating,
19 Refrigeration and Air Conditioning Engineers. The
20 ICC will not be testifying today, but they have sent
21 their support. We do have Council Member Garodnick
22 who I know would like to share a statement on his
23 bill.

24 COUNCIL MEMBER GARODNICK: Thank you, Mr.
25 Chairman, and yes, very briefly. I wanted to thank

1
2 you for holding a hearing today on 1163, which is a
3 bill that I introduced along with Council Members
4 Richards, Johnson, excuse me, Constantinides, and
5 Chin. This bill expands the list of buildings
6 required to be benchmarked for energy and water
7 efficiency from all buildings 50,000 square feet and
8 above to all buildings 25,000 square feet and above.
9 New York City currently requires owners of buildings
10 that are at least 50,000 square feet to submit
11 information about their water and energy use to a
12 benchmarking tool. Benchmarking, essentially
13 evaluating data as compared to a set standard can be
14 a useful tool in helping building owners identify
15 where there may be inefficiency in their own utility
16 issue. It gives them the ability to understand how
17 much water and energy they use and the information to
18 know whether that measures up to how much they should
19 be using to ensure that their buildings are being run
20 in the most sustainable way. This bill ensures that
21 even more building owners will be able to take
22 advantage of this information. We all know that 75
23 percent of the greenhouse gas emissions in New York
24 City relate to our buildings. We also know that
25 we've set rather significant goals to combat our

1
2 greenhouse gas emissions of 80 percent by the year
3 2050. Obviously, unless we actually take steps to
4 make changes, we will not hit those goals which is
5 what this is all about. The City and building owners
6 are natural partners in the effort to setting our
7 sites higher toward greener utility usage practices
8 and the benchmarking requires that this partnership
9 be effective. So we hope that this bill will
10 contribute to that. I look forward to hearing
11 today's testimony, and again, Mr. Chairman, thank you
12 for holding this hearing.

13 CHAIRPERSON WILLIAMS: Thank you. We've
14 also been joined by Council Member Salamanca and
15 Rosenthal. And thank you, Council Member Garodnick,
16 for the background on your bill. I'd like to thank
17 my staff for the work they did to assemble this
18 hearing, including Nick Smith, my Deputy Chief of
19 Staff and Legislative Director, Jen Wilcox and Megan
20 Chin [sp?], Counsel to the Committee, Guiermo Patino
21 [sp?] and Jose Conde [sp?], Policy Analyst to the
22 Committee, and Sarah Gastelum [sp?], the Committee's
23 Financial Analyst. That said, we're calling up
24 representatives from the Administration as our first
25 panel. I'd like to remind everyone that would like

1 to testify today to please fill out a card with the
2 Sergeant. We have Nilda Mesa, Director of MOS, and
3 Commissioner Rich Chandler of Department of
4 Buildings. Will you please raise your right hand?
5 Do you affirm to tell the truth, the whole truth and
6 nothing but the truth in your testimony before this
7 committee and to respond honestly to Council Member
8 questions?
9

10 COMMISSIONER CHANDLER: Yes, I do.

11 CHAIRPERSON WILLIAMS: Thank you, and you
12 can begin.

13 COMMISSIONER CHANDLER: Good morning,
14 Chair Williams, and welcome back, and members of the
15 Housing and Buildings Committee and City Council.
16 I'm Rick Chandler, Commissioner of the New York City
17 Department of Buildings. I'm joined by Gina Bocra,
18 the Department's Chief Sustainability Officer. We
19 are pleased to be here this afternoon to offer
20 testimony in support of Introductory Number 1169
21 sponsored at the request of the Administration which
22 makes important updates to the New York City Energy
23 Conservation Code. Given that nearly three-quarters
24 of all emissions in New York City are generated by
25 buildings, design and operations of our buildings

1 must be a central focus in our effort to address the
2 negative impacts of climate change. This legislation
3 before you represents the latest of numerous
4 initiatives undertaken by this Administration to hold
5 buildings to the highest standards for construction
6 and energy performance as outlined in the Mayor's One
7 City Built to Last plan. As this Council is aware,
8 Local Law 85 of 2009 established the first New York
9 City Energy Conservation Code which was last amended
10 in 2014. The City Energy Conservation Code is part
11 of our New York City Construction Codes and provides
12 performance standards for building energy usage. The
13 current city energy code is based on the New York
14 State Energy Code. It includes modifications to the
15 commercial provisions that make this city energy code
16 more restrictive than the state energy code, as well
17 as an administrative chapter that is tailored to our
18 procedures at the Department. On March 9, 2016, the
19 New York State Fire Prevention and Building Code
20 Council voted to update the state energy code with
21 technical changes to the residential and commercial
22 provision that align it with the 2015 edition of the
23 International Energy Conservation Code. This update
24 would be more stringent than the current 2014 state
25

1 energy code, as well as our current city energy code.
2 This change is being adopted in response to a federal
3 mandate and it has an effective date of October 3,
4 2016. The primary benefit of this code update by the
5 state is that it has been determined by the United
6 States Department of Energy to result in an average
7 annual energy savings of 8.5 percent for new
8 commercial buildings, and an average annual energy
9 savings of 18.5 percent for new one and two-family
10 homes and small apartment buildings. In accordance
11 with the state energy law, an energy code adopted by
12 a local jurisdiction must be more stringent than the
13 state energy code. Our changes at the local level
14 proposed in Intro 1169 will add to these energy
15 savings. Changes proposed by New York City add
16 another five percent average energy savings to small
17 residential buildings as determined by the Pacific
18 Northwest National Laboratory. Energy savings also
19 translates directly to financial savings, and
20 increasing energy efficiency in buildings is a key
21 strategy to mitigating climate change throughout the
22 City. In sum, these changes will bring the best in
23 energy efficiency to our building equipment and
24 facades and will ensure that the City's buildings
25

2 consume less energy as we work towards meeting our
3 goal of reducing greenhouse gas emissions 80 percent
4 by 2050. Specifically, Intro 1169 is being advanced
5 to serve the following three goals: To preserve the
6 existing improvements in the current city energy
7 code, to adopt the state energy codes as the basis of
8 our technical provisions and to make several
9 enhancements that will make our city energy code more
10 stringent than the state energy code. The local
11 changes that are being proposed or developed by the
12 Department of Buildings with the consultation of an
13 Energy Code Advisory Committee. This committee
14 included representatives from the Design and Real
15 Estate industries, representatives from the
16 Construction Industry and Trades, representatives
17 from affordable housing organizations, environmental
18 interest groups, other city agencies, and the City
19 Council. The more substantive local amendments can
20 be found in Chapter C4 and R4 of the proposals
21 included in the bill. They are as follows: It
22 introduces a requirement to account for the thermal
23 energy losses of certain types of mechanical
24 equipment that are installed through the wall, that
25 are understood to create a thermal performance

1 deficiency. Additional installation will be required
2 to offset the losses when an owner chooses to install
3 those types of equipment. It introduces a
4 requirement for air barrier testing in certain new
5 large commercial buildings. Air barriers are already
6 required by the City Energy Code, but this testing
7 protocol will support better detailing and
8 installation, reducing energy losses while increasing
9 long term durability in the building envelope. It
10 introduces technical changes relative to more
11 stringent vestibule requirements in buildings over 75
12 feet in height where pressure differentials can
13 result in increased air leakage at the building
14 lobby. It introduces minimum efficiency requirements
15 for certain types of mechanical equipment not covered
16 in the 2015 International Energy Conservation Code
17 that are regulated by the Federal Government and are
18 covered in American Society of Heating, Refrigeration
19 and Air Conditioning Engineers, ASHRAE, Standard 90.1
20 2013. This change sets the requirements to be
21 equivalent with those at that standard. It requires
22 a requirement-- it retains a requirement for the
23 control of HVAC and unoccupied hotel/motel guest
24 rooms that was eliminated in the New York State
25

1 Energy Code, but will be reintroduced by ASHRAE 90.1
2 of 2016. This requirement reduces the amount of
3 heating or cooling allowed in guest rooms when they
4 are not leased. It introduces technical changes to
5 the allowable lighting power density in office spaces
6 and retail spaces where the market is most favorable
7 to the usage of the highest efficiency fixtures and
8 lamps without an undue cost burden to the owner. It
9 introduces a threshold that triggers commissioning
10 for renewable energy installations in commercial
11 buildings where no trigger previously existed. This
12 trigger aligns with the policy established by Con-
13 Edison and relieves owners of small installations
14 from these requirements where the benefit may not
15 justify the cost. It mandates solar-ready
16 requirements for new one and two-family homes as well
17 as townhouses. These requirements merely preserve
18 the space for future installation of solar panels on
19 a roof that has sufficient solar access along with
20 space for the installation of electrical panels
21 necessary to support the rooftop equipment. These
22 provisions were modified to take New York City's
23 density into account. And finally, it increases the
24 effective savings of the city energy code for new
25

1 homes by five percent by introducing more stringent
2 thermal performance values for the envelope. These
3 insulation and fenestration values are based on those
4 used in Upstate New York and other cold climate
5 regions of United States. Readily available products
6 satisfy the requirements and homeowners will see
7 long-term savings results from a more robust
8 envelope. With the State Energy Code becoming
9 effective on October 3rd, 2016, it is vitally
10 important that the City Energy Code be effective by
11 then or we will lose the improvements our code
12 provides and be subject to the state's energy code.
13 Therefore, we respectfully request swift and careful
14 consideration and approval of this legislation which
15 will enable our Department and stakeholders to
16 smoothly transition to the requirements of the new
17 city energy code. Thank you for your attention and
18 the opportunity to testify before you today. My
19 colleagues and I welcome any questions that you may
20 have.
21

22 CHAIRPERSON WILLIAMS: Thank you very
23 much, and will now be joined by Nilda Mesa who will
24 give testimony.

25 : Do I need to be sworn in?

2 CHAIRPERSON WILLIAMS: Thank you for
3 reminding me. Very nice of you. Do you affirm to
4 tell-- can you raise your right hand please? Do you
5 affirm to tell the truth, the whole truth and nothing
6 but the truth in your testimony before this committee
7 and to respond honestly to Council Member questions?

8 : Yes.

9 CHAIRPERSON WILLIAMS: You can begin.

10 NILDA MESA: Thank you. Good morning,
11 Chairman Williams-- welcome back-- members of the
12 Committee on Housing and Buildings and other
13 distinguished members of the Council, especially
14 Council Member Garodnick, Constantinides and Richards
15 who I'm sure will come by later. My name is Nilda
16 Mesa, and I'm the Director of the New York City
17 Mayor's Office of Sustainability. Thank you for the
18 opportunity to testify today regarding Introduction
19 1163, which would amend the city code for buildings
20 required to submit annual energy and water
21 benchmarking reports as well as Introductions--
22 Intro's 1160 and 1165 which would amend the city code
23 on upgrading lighting systems and installing sub-
24 meters in certain buildings respectively. These
25 introductions propose amendments to Local Laws 84 of

2009 and 88, both cornerstones of the City's greenhouse reduction and building strategy as well as Mayor de Blasio's One NYC Plan. This past year has seen many landmarks in the global fight against climate change. In December 2015, 165 countries committed to reducing carbon emissions so as to achieve less than two degrees Celsius temperature rise this century. The agreement allows countries to employ flexible means to meet their goals but also requires countries to report on metrics and progress towards the goal. This historic agreement signed here by 176 countries on Earth Day of this year at the UN has already been ratified by 18 countries. Last week marked the one-year anniversary of the Pope's Encyclical Laudato Si in which he called for aggressive and unified global action to combat climate change. Mayor de Blasio is honored to join mayors from all over the world at the Vatican at that time in support of the urgency of the Pope's message. At the City level, the Mayor released a sweeping buildings plan in the update to One NYC, this Earth Day which employed a data-driven approach to making New York City's buildings energy efficient in effective and cost-saving ways. Climate change is an

1
2 existential threat to humanity and we're already
3 feeling its impacts. Bold action is necessary if
4 we're to address this threat and protect our city and
5 our place on this planet, but this action must be
6 measured and effective. The best way to ensure that
7 our strategies will be successful both technically
8 and economically is through the wise use of data.
9 These three bills will expand the scope of laws
10 pertaining to one, annual energy and water use
11 benchmarking; two, upgrades to lighting systems;
12 three, sub-meters in non-residential tenant occupied
13 spaces. In focusing on effective and economical
14 measures along with the data to support intelligent
15 planning, these bills will significantly advance New
16 York City's contribution to solving the global
17 challenge of combatting climate change. New York
18 City is a global leader in data-driven, climate
19 action planning, and other cities and nations look to
20 us for guidance for their own programs. This is
21 especially significant as cities are where the rubber
22 meets the road on climate as well as so many other
23 issues. Cities generate at least 70 percent of
24 worldwide greenhouse gas emissions. Earlier this
25 month, US State Department and the Government of

1
2 China hosted the US China Climate Leaders' Summit,
3 invited me to present specifically on how New York
4 City uses data to inform climate carbon reduction
5 policy. Our efforts were received with great interest
6 and praise and were seen as a model. Cities learned
7 from each other and our friendly competition leads to
8 innovation, which is what we need to achieve our
9 carbon reduction goals worldwide. Our data efforts
10 to date have focused on three areas: One, greenhouse
11 gas emissions; two, building energy and water
12 consumption; three, energy audits. The data from
13 these efforts is rich and has played a significant
14 role in our ability to identify effective and cost
15 savings strategies for reducing energy in the City.
16 However, our ability to assess the feasibility and
17 effectiveness of strategies would be greatly enhanced
18 by including more categories of data. New York City
19 is one of the very few cities that collects
20 greenhouse gas emissions data annually and has done
21 so since 2007. This city has one of the world's
22 largest and most detailed datasets on energy and
23 greenhouse gas emission of any jurisdiction. The
24 collection of this data enabled us to determine that
25 73 percent of our greenhouse gas emissions are

1 derived from buildings and how they are operated.

2 This is far greater than the US average, which hovers

3 at about a 40 percent share for buildings. Knowing

4 that buildings make up such a large share gives us

5 clear direction towards a successful strategy to meet

6 our 80 by 50 goals without wasting valuable time and

7 resources guessing what will work or focusing on the

8 wrong sector. The data collected under the City's

9 benchmarking ordinance required by Local Law 84 has

10 been a treasure trove of information on real life

11 buildings and how they use energy. We use the data

12 in several ways. It's been the foundation for our

13 energy and water performance tool which is an online

14 resource that allows anyone with an address to see

15 how a building within our database compares to other

16 buildings of its type, location and even citywide.

17 The tool has a potential to empower residents and

18 those in the building industry to make wise choices.

19 We also use the data to develop the most

20 comprehensive buildings energy efficiency initiative

21 to date, which the Mayor released on Earth Day of

22 this year. The plan is based on the One City Built

23 to Last Technical Working Group Report. We identify

24 20 building typologies categorized by age, size and

1 use of building from which we identify the eight most
2 common typologies. We were able to filter and
3 analyze the data by building typology to evaluate a
4 range of strategies for cost in-effectiveness in
5 reducing greenhouse gas emissions along with the most
6 sound pathways that building owners could use to make
7 their buildings work better and be more comfortable
8 for themselves and their tenants. Without data on
9 energy consumption, age, location, use type, and size
10 of buildings, our office could never have completed
11 this work. The data available for this report was
12 richest for buildings over 50,000 square feet because
13 they fall within the current Local Laws 84 and 87 of
14 2009. Key insights from this data include that large
15 office buildings built in the 1970's tend to be much
16 less energy efficient than those built in the 1920's,
17 and that multi-family buildings account for 64 of the
18 energy used by large buildings. We found vastly
19 different patterns of greenhouse gas emissions
20 between multi-family residential buildings and
21 commercial buildings with 74 percent of multi-family
22 building emissions due to thermal loads like heat and
23 hot water while commercial building emissions were
24 more evenly distributed amongst heating and cooling
25

1 systems, lighting and plug loads. We also estimated
2 that even with new construction 90 percent of the
3 buildings that exist today will still be here in
4 2050. These types of insights are critical to
5 shaping targeted, effective policy. On the
6 operational level we use benchmarking data to
7 identify buildings that would be most likely to
8 benefit from the Retrofit Accelerator, our program to
9 provide free technical support and information to
10 building owners on energy efficiency strategies.
11 Benchmarking data we have to-date allows us to reach
12 out to the buildings that we can see are not
13 performing as well as they could be compared to
14 similar buildings in the City. We can target those
15 buildings with the greatest potential to save on
16 energy and greenhouse gas emissions because of this
17 data and get them the tools they need to cut through
18 red tape and get to the resources available,
19 expanding the data to include buildings down to
20 25,000 square feet will enable us to help them as
21 well. Intro 1163: Local Law 84 plays a fundamental
22 role in helping buildings owners and policy makers
23 alike understand energy and water consumption and
24 identify opportunities to reduce energy use and
25

1
2 greenhouse gas emissions. Local Law 84 requires
3 large buildings over 50,000 square feet to annually
4 report energy and water consumption. With this
5 information, building owners and managers can better
6 understand which retrofits and management practices
7 could cut cost and increase tenant comfort moving
8 forward. Intro 1163 would expand the annual
9 reporting requirement to buildings above 25,000
10 square feet adding an estimated 10,460 properties
11 across the five boroughs, covering over 365 million
12 square feet of real estate or roughly seven percent
13 of the built floor area in New York City. This would
14 add important and valuable visibility into the nature
15 of energy and water consumption in these mid-sized
16 buildings. The process of benchmarking is relatively
17 straightforward. Using the Environmental Protection
18 Agency's portfolio manager's free online platform,
19 building owners enter their buildings previous years
20 energy and water bills, much as one would in tax and
21 accounting home software, only with fewer entries.
22 Where the building owner does not have records on
23 hand, city utilities have developed dedicated
24 services to provide this information on request.
25 Once this information is inputted into portfolio

1 manager, users can compare the efficiency of their
2 buildings to that of buildings nationwide. They also
3 use this tool to transmit the data to the City.
4 These steps can be done by a building owner or any
5 person on behalf of the building owner including
6 staff, volunteers or third party service providers.
7 This is a powerful management tool and can point out
8 where systems may be under-performing. Knowledge is
9 power. It is why the City benchmarks at an even much
10 lower size, down to 10,000 square feet. While in
11 most cases, the process should be straightforward, we
12 recognize it could be better, especially for certain
13 building types and groups of building owners with
14 limited staff and resources. Our office is committed
15 to lowering the burden placed on building owners and
16 we are dedicating resource to ensure that compliance
17 is a smooth process. It is philosophically similar
18 to the approach we pioneered with clean heat where we
19 helped building owners find the best way to phase out
20 polluting heating oils with enough time that we
21 achieved a 100 percent compliance rate by the
22 deadline for enforcement. We would like to see the
23 data entry process be automated with data going
24 directly into the system. We're already part of the
25

1 way there. On water, the Department of Environmental
2 Protection already provides access to annual water
3 data for free to its customers with no need for
4 building owners to input the data manually. On
5 energy, we have a bit more work to do. Although data
6 is provided for free by utilities in other
7 jurisdictions, Con-Ed is the only utility currently
8 requiring a fee and charges \$102.50 for property
9 every year. For the last year or so, the Mayor's
10 Office has been actively engaging Con-Ed and the
11 Public Service Commission to eliminate this fee.
12 This spring, we submitted testimony in the pending
13 Con-Ed rate case before the public service
14 commission, advocating that this data be automated
15 and free, as is done in cities such as Philadelphia
16 and Chicago. Furthermore, we are also actively
17 working with the utilities to automate the process to
18 get data from the utilities directly into the
19 reporting tool without requiring the building owner
20 to input it manually. Additionally, this year we
21 established the New York City benchmarking help
22 center to be available year 'round on a fulltime
23 basis. For any building owner who has questions
24 about deadlines, is unsure whether or not their
25

1 building is covered by the law or needs help
2 navigating the portfolio manager website, the
3 dedicated team at the help center is there to answer
4 questions and provide guidance. These trained staff
5 members know every step of the process and can offer
6 tailored support. The help center also provides
7 guidance on how to make the best use of the
8 information and to benefit from its value. We are
9 also committed to helping building owners take the
10 next steps beyond benchmarking to achieve energy and
11 cost-savings and occupancy comfort by retrofitting
12 their buildings through our Retrofit Accelerator and
13 Community Retrofit NYC programs. Among these
14 programs many components, Retrofit Accelerator and
15 Community Retrofit NYC provide direct one-to-one
16 assistance to coordinate compliance with Local Law
17 87, assist building owners to interpret their
18 benchmarking results, identify energy and water
19 efficiency upgrades best suited for their buildings
20 and monitor the results of their projects. All told,
21 these resources represent just a small portion of our
22 offices and Mayor de Blasio Administration's
23 commitment to ensuring that these laws are easy to
24 comply with and produce real financial and
25

1 sustainable results. Benchmarking is already
2 changing the ways building owners manage their
3 properties. Through the NYC Carbon Challenge, the
4 Ridgewood-Bushwick Senior Citizens Council in
5 Ridgewood-Bushwick and the LOT [sic] Community
6 Development Corporation and Harlem Congregations for
7 Community Improvement in Harlem have benchmarked
8 close to 100 properties totaling nearly 1.4 million
9 square feet to measure their implemented energy
10 conservation measures in addition to controlling
11 utility costs. Energy makes a disproportionately
12 large share of community organization budgets, and
13 these have seen benchmarking to be a powerful tool in
14 helping them manage their resources wisely. Further
15 underscoring the value of this data, Co-Star Group,
16 the nation's leading real estate information
17 provider, announced recently that it would begin
18 listing building energy efficiency and performance
19 information on its website. Co-Star will be
20 partnering with the US Department of Energy to ensure
21 that every time a building goes on the market, its
22 energy statistics are made available to potential
23 buyers, thereby empowering the consumer to make smart
24 financial real estate decisions. This information
25

1 which plays an immensely important role in the
2 decision-making process behind the sale of buildings
3 in New York and around the country is the exact type
4 of data that Local Law 84 cultivates and makes
5 available to the public, and that through Intro 1163
6 will become even more robust. New York City's
7 original benchmarking law sparked a movement of
8 increased data collection and transparency nationally
9 and internationally. Indeed, 14 cities, one county
10 and two states across the country have recognized the
11 value of benchmarking ordinances and have passed
12 legislation directly modeled after Local Law 84.
13 More are in the works. While New York was among the
14 first cities in the nation to adopt benchmarking,
15 other cities now stand to out-pace us. Seattle, San
16 Francisco, Austin, Washington D.C, and Cambridge,
17 Mass [sic] have all adopted legislation that places
18 their minimum square footage for benchmarking well
19 below our 50,000 mark with three more cities
20 implementing 25,000 square foot benchmarking next
21 year. The passage of Intro 1163 would give New York
22 City insight into a key blind spot, the roughly
23 10,460 mid-size buildings between 25,000 and 50,000
24 square feet. Energy data on these buildings will
25

1 allow us to glean information and tailor policy to
2 the needs of those buildings with better and more
3 cost effective results. Intro's 1160 and 1165: we
4 are also here to testify today on Introductions 1160
5 and 1165's proposed changes to Local Law 88 of 2009.
6 Local Law 88 requires the installation of electricity
7 sub-meters for each non-residential tenant space
8 measuring larger than 10,000 square feet in area. It
9 also requires building owners to provide those
10 tenants with monthly energy consumption statements.
11 The affected building owners must report that they
12 have implemented sub-metering systems by 2025. This
13 law aims to address the problem of split incentives
14 in non-residential properties. In many buildings,
15 the tenant pays a flat monthly energy fee through
16 their rent. If energy consumption is not separately
17 metered, the tenant does not know or pay directly for
18 the amount of energy consumed. As a result, owners
19 cannot assess where energy is being used. Tenants
20 have little incentive to reduce energy consumption,
21 and energy savers get stuck overpaying. Transparency
22 for both tenants and landlords will help us develop
23 effective energy efficiency strategies. Intro 1160
24 would broaden the scope of tenant's bases that are
25

1 required to have sub-meters, moving from a minimum
2 square footage of 10,000 to 5,000 square feet.

3
4 Hereto, this improvement will benefit more of the
5 City's businesses informing more tenants of their
6 actual energy consumption, allowing for tenants and
7 owners to make better decisions on energy efficiency
8 and paving the way for financial savings. Another
9 goal of Local Law 88 when adopted by the City was to
10 reduce energy consumption from lighting, which
11 accounts for almost 14 percent of energy use in New
12 York City buildings and roughly 11 percent of the
13 citywide carbon emissions from buildings. The
14 dramatic improvements in lighting technology that
15 we've observed over the past two decades have allowed
16 building owners to cost-effectively reduce energy
17 consumption by installing more efficient lighting
18 systems. Local Law 88 currently requires buildings
19 over 50,000 square feet in floor area to upgrade
20 lighting in non-residential spaces to meet New York
21 City energy conservation code standards and to report
22 compliance by 2025. The lighting improvements in
23 Intro 1165 will help building owners achieve
24 significant savings, and by expanding the scope of
25 this requirement, this Council is once again

1 increasing the number of New Yorkers who will realize
2 these benefits. All told, lighting upgrades are
3 associated with one of the fastest paybacks on
4 investment that a building owner can experience.
5 According to Local Law 87 existing data, the average
6 pay-back period for lighting upgrades is just under
7 three years, with many upgrades paying back within
8 one year. We anticipate this quick payback to extend
9 to the 10,460 properties measuring between 25,000 and
10 50,000 square feet. In both the case of sub-metering
11 and of lighting, we recognize the upfront cost of
12 making these improvements, but we are also keenly
13 aware of the immediate return and long term benefits
14 that both building owners and tenants will observe as
15 their facilities are upgraded. Lighting upgrades
16 have some of the best returns. These laws allow
17 building owners and operators to save on cost in the
18 long run and to fully understand their energy
19 consumption. To demonstrate our commitment, the City
20 itself is investing one billion dollars on energy
21 retrofits on approximately 3,000 municipal buildings.
22 These projects all begin with benchmarking for
23 properties starting at 10,000 square feet, audits and
24 a focus on proven technologies like lighting. On
25

1
2 behalf of the Mayor's Office, I offer my strong
3 support for the expansion of the scope of both Local
4 Laws 84 and 88 through Introductions 1160, 1163 and
5 1165, and sincerely thank the Chair, the Committee
6 and esteemed members of the Council who are
7 introducing these important pieces of legislation.
8 The Mayor's Office of Sustainability welcomes the
9 opportunity to continuing partnering with City
10 Council, Departments of Citywide Administrative
11 Services, Buildings, Environmental Protection, and
12 Finance as we fulfil Mayor de Blasio's goals in One
13 NYC to make a greater, greener, more sustainable, and
14 more equitable city. Thank you for the opportunity
15 to testify.

16 CHAIRPERSON WILLIAMS: Thank you very
17 much for the testimony. I have a couple questions,
18 then I'm going to allow Council Member Garodnick to
19 ask questions about his bill, and then I'll come
20 back. We've also been joined by Council Member
21 Mendez and Cornegy and Council Member Espinal. Just
22 a couple questions. One, I wanted to know why it was
23 important that our codes are more stringent than the
24 State's?

1
2 GINA BOCRA: Gina Bocra, Chief
3 Sustainability Officer. Council Member Williams,
4 there was a condition in Local Law 85 of 2009 that
5 our code had to be more stringent than the State
6 code, and that we had to maintain it every three
7 years at least or when the state updates their code,
8 and then the Energy Law of New York State also
9 mandates that if a municipality chooses to have their
10 own energy code, that it must be equal to or more
11 stringent than the state code.

12 CHAIRPERSON WILLIAMS: Thank you very
13 much. Is there a cost associated with any of these
14 changes, and how much would that cost be? And
15 separately but related to it, specifically costs
16 about the solar readiness of the new one and two-
17 family homes.

18 GINA BOCRA: Be happy to answer that.
19 For commercial buildings the average cost is about
20 one dollar and 41 cents per square foot. This is
21 across a very wide range of building types, and that
22 returns-- I'm sorry. The savings is about \$1.41 per
23 square foot, and that cost is about a premium of 60
24 cents per square foot for each building. That has a
25 pay-back of about 12.6 years on average. So, for

1
2 some buildings it would be sooner and some buildings
3 it might be longer.

4 CHAIRPERSON WILLIAMS: So, just so I'm
5 clear, it's \$1.45 is the savings.

6 GINA BOCRA: Yes.

7 CHAIRPERSON WILLIAMS: And 60 cents is
8 the cost?

9 GINA BOCRA: Yes. For residential
10 buildings, the average cost-savings over the life of
11 the building is somewhere around 5,000 dollars. So,
12 these are for one and two-family homes in small
13 apartment buildings. The average cost premium is
14 about 2,300 dollars, and for multi-family it's
15 probably more around 1,200. Those are for the
16 national average cost based on the climate zone for
17 New York State. Our provisions will add a few more
18 thousand dollars to the cost of the residence in
19 order to improve the building envelope, but that also
20 results in a five percent energy savings annually.
21 And then for the solar readiness, there should be
22 very little cost associated with that. The owner is
23 being asked to reserve space on the roof, but not
24 install panels. They're also asked to identify a
25 pathway for the conduit to connect those panels to

1 the electrical panels that would be installed in the
2 house in the future. So, they're merely saving the
3 space to allow the installation to happen in the
4 future.

5
6 CHAIRPERSON WILLIAMS: And I'm just going
7 to back up a little bit. You said for one and two-
8 family homes, what was the cost saving over-- I think
9 it was over the life of the mortgage was it?

10 GINA BOCRA: The US Department of Energy
11 says that the life of the building is 30 years.

12 CHAIRPERSON WILLIAMS: Life of the
13 building.

14 GINA BOCRA: Typically because of the
15 mortgage. So they have estimated that those costs
16 would be about 5,000 dollars over the life of the
17 mortgage.

18 CHAIRPERSON WILLIAMS: And 2,300 dollars
19 is up front?

20 GINA BOCRA: Yes.

21 CHAIRPERSON WILLIAMS: And the multi-
22 family?

23 GINA BOCRA: Multi-family is 1,200.

24 CHAIRPERSON WILLIAMS: Thank you.
25 Council Member Garodnick?

2 COUNCIL MEMBER GARODNICK: Thank you very
3 much, Mr. Chairman, and Director Mesa, I think most
4 of my questions are for you, and we appreciate your
5 testimony today. I am the prime sponsor of 1163, and
6 generally agree with what you have said about the
7 benefit of more data and also the potential for
8 empowering building owners to make decisions. So,
9 you will take my devil's advocate questions in that
10 vein because I just want to make sure that we are not
11 imposing too much of a burden on smaller building
12 owners and that we're actually getting real results
13 here. So, I want to preface my questions with that.
14 In your testimony you talked about the potential for
15 empowering building owners. My question for you is
16 when we put the requirement in for buildings at
17 50,000 square feet and more, give us a sense as to
18 how that benchmarking requirement has actually
19 contributed to changes in either water or energy use.
20 I know that people have access to more information,
21 but how has it actually changed behavior?

22 NILDA MESA: I'm trying to think of how
23 best to answer, because the-- what I know most about
24 is how our office uses the data which is to-- and
25 most recently in the context of the Building

1 Technical Working Group Report in the Buildings
2 Energy Efficiency initiative that we came out with
3 that the Mayor launched in April. And so what it
4 meant for us to have that data on a big scale was
5 that we could see which kinds of str-- we could see.
6 We could really evaluate which strategies would be
7 most effective for building owners by building type,
8 so by age, by size of building, by use of building we
9 could rule out things that, you know, strategies that
10 wound up not being really all that effective or too
11 expensive, and you know, we would rather have more of
12 that information so that we can rule things out as
13 well as evaluate whether something is actually, you
14 know, going to be affected, because there's no sense
15 in imposing, you know, mandates, or you know,
16 requiring people to do things at the end of the day
17 are too expensive for what they're going to get back
18 in return and also just plain old ineffective. So,
19 that's, you know, for us the big value of that. And
20 so on a smaller scale, what it allows is for building
21 owners to look at-- they can compare how their
22 building is functioning to-- you know, in comparison
23 with other buildings nationwide, but also in
24 comparison with other buildings in the City. And so
25

1
2 they can-- its' kind of a red flag for them so that
3 they can see, like, you know, why is it for example
4 that, you know, my energy or water usage is, you
5 know, a third again as, you know, higher than, you
6 know, somebody else's. What's going on here?
7 Because that's money that's, you know, getting
8 wasted, right? So there's-- we recognize that
9 there's some, you know, initial cost to it, but that
10 the benefits really outweigh. And that's why, you
11 know, citywide that's why we do it for our buildings
12 down to 10,000 square feet because it's that much of
13 a benefit.

14 COUNCIL MEMBER GARODNICK: So, I see the
15 benefit for a building owner if they choose to focus
16 on it, think about it, engage with it and make
17 changes on the basis of what they learn, but really
18 what I'm asking you is beyond the City's knowledge
19 and ability to evaluate, assess, develop the best
20 strategies. Do we have any sense that any of the
21 building owners are actually making changes on the
22 basis of this information? How do we assess that?
23 How do we evaluate the success of what we are
24 imposing on them to disclose this information?

25

1
2 NILDA MESA: Yeah. So, I mentioned
3 briefly the Retrofit Accelerators. So, that's where
4 we reach out to building owners who already are
5 required to benchmark with, you know, who have
6 buildings that are 50,000 square feet and above.
7 Since we launched the Retrofit Accelerator in October
8 we have over a thousand projects that are in the
9 pipeline for energy efficiency and, you know, water
10 improvements, which is an astounding number of
11 projects within a very short period of time who've
12 responded to that kind of access. And then, you
13 know, what we try to do as a result is get rid of the
14 red tape and the obstacles and, you know, sort of the
15 confusion around like who do I use, how do I even
16 know? But it's-- I think there's a real vacuum out
17 there. I think there's a real hunger out there to
18 try to figure out this problem at the building level.

19 COUNCIL MEMBER GARODNICK: So, does it
20 work more or less like this, the City and the Office
21 of Sustainability and/or the Department of Buildings
22 takes a look at what comes in and decides whether a
23 building may be appropriate for the Retrofit
24 Accelerator, and then reaches out directly to them
25

1
2 and says we encourage you to participate in this
3 program, is that how it works?

4 NILDA MESA: Yeah kind of. I mean, it's
5 or--

6 COUNCIL MEMBER GARODNICK: [interposing]
7 You can tell me how it works exactly if I didn't get
8 it right.

9 NILDA MESA: Yeah, so we have the data.
10 We reach out to building owners, particularly the
11 ones that, you know, where it looks like their
12 buildings are performing below average, and then, you
13 know, we reach out. It's up to them. It's
14 voluntary. It's up to them as to whether or not they
15 want to work with Retrofit Accelerator or whether
16 they even want to make the changes. It's totally
17 their call, but many do once they have the
18 information, and one of the things that we know is
19 that EPA found that in general buildings that
20 benchmark their energy consumption like using
21 Portfolio Manager reduced their energy use by an
22 average of seven percent over three years, and it's
23 just having that information enables them to make
24 those choices.

2 COUNCIL MEMBER GARODNICK: Is there any
3 less onerous way for us to get this information for
4 building owners? Obviously when you're dealing with
5 50,000 square feet or more, you know, I had very
6 little concern about impact. You're talking about
7 big, big buildings that have a variety of different
8 complications, needs, the obligation to report,
9 etcetera. You know, when we get to the smaller
10 buildings, obviously there's a new-- there was some
11 10,000 new properties I think you said in your
12 testimony that would be captured under this law. You
13 know, would there be any way for the City to capture
14 this information on behalf of the building owners
15 inside of having them spend 102 dollars with Con-
16 Edison, fill out paperwork as easy as it may be, send
17 it to the City, have the City evaluate, and then come
18 back to them? Is there a way to essentially cut them
19 out of the reporting process, but still give them the
20 benchmarking information?

21 NILDA MESA: Yeah, this is being done in
22 a couple of other cities, and so this is what I
23 mentioned before about we're working with Con-Ed,
24 we're working with the state's public services
25 commission in order to get that information

1 available, and you know, sort of input automatically
2 into, you know, portfolio manager. The software
3 exists. On the water side, people can already do this
4 through our Department of Environmental Protection,
5 so that's not so much the issue, but we would very
6 much like to see this data be, you know,
7 automatically uploaded into, you know, the tool. It
8 would mean better data accuracy as well as, you know,
9 less hassle for owners and, you know, sort of others
10 involved, but it's something that right now, you
11 know, we're trying to work out between Con-Ed and the
12 PSC.
13

14 COUNCIL MEMBER GARODNICK: Does passing
15 this law now help or hurt the cause of moving in a
16 direction where Con-Edison would, you know, fuel more
17 of an impetus say to do that? I mean, you know,
18 they're here. I see representatives in the room, so
19 I'm sort of talking to them at the same time, but the
20 idea that people have to spend 100 bucks to fill out--
21 - to access data about--

22 NILDA MESA: Their own bills.

23 COUNCIL MEMBER GARODNICK: their own
24 building to provide it to the City so the City can
25 analyze it and tell them what they're doing wrong.

1
2 You know, it would be much more clean for us to
3 simply make the information available, analyze it by
4 the City and then tell the building owner, "Hey, by
5 the way, you're an underperformer in this way or that
6 way. We strongly recommend our Retrofit Accelerator,
7 and he's what it'll do for you." Does passing this
8 bill help or hurt the ability to move that in
9 direction?

10 NILDA MESA: I would hope that it would
11 help. Its' again at the state level with the PSC,
12 and it's, you know, an issue we testified on. I mean,
13 it's an issue that's come up in the current rate
14 proceedings. You know, I would hope that it would
15 help. And just by way of clarification, once the
16 data is in the Portfolio Manager, the building owner-
17 - it doesn't have to go to the City first for the
18 owner to see how they're doing nationwide. They can
19 look at it right away and see, you know, what the
20 results are. So, they don't even-- you know, we
21 collect it, but they don't even need to-- they don't
22 need to wait for us to tell them. They can see it
23 right off the bat.

24 COUNCIL MEMBER GARODNICK: I've gotten the
25 look from my Chairman, which means that it's time for

1
2 me to wrap, so I'm going to do that, but I thank you
3 for your testimony.

4 NILDA MESA: Thank you.

5 CHAIRPERSON WILLIAMS: Thank you, Council
6 Member Garodnick for the question. Gave you a little
7 leeway there because you are sponsor of the bill, but
8 thank you for the important questions. Just really
9 quick wanted to back up a little bit. Just for
10 clarity, the 2,300 dollars in the one and two-family
11 homes, those are new homes. So that's not like an
12 existing person. We'll have to come up with that
13 2,300. The money for the multi, I think you said was
14 1,200. They would have to come up right now with
15 that? Is that for-- that's for substantial rehab and
16 new buildings, correct?

17 GINA BOCRA: Yes, that would be the first
18 cost during construction.

19 CHAIRPERSON WILLIAMS: Okay, thank you
20 very much. How many additional owners will be
21 covered by the law, do you know? How many additional
22 owners will be covered by the law?

23 GINA BOCRA: The energy code?

24 CHAIRPERSON WILLIAMS: Yeah, all of them
25 [sic].

1 GINA BOCRA: It's--

2 CHAIRPERSON WILLIAMS: [interposing] The
3 other three. I'm sorry, the ones that are not there
4 [sic].
5

6 NILDA MESA: Right, yeah, 10,461
7 additional properties.

8 CHAIRPERSON WILLIAMS: And for Intro
9 1163, have you reached out to building owners to let
10 them know about the benchmarking help center?

11 NILDA MESA: Yes. But more, you know,
12 the more that we can get the word out, the better.

13 CHAIRPERSON WILLIAMS: What is-- what's
14 been your mechanism to reach out?

15 NILDA MESA: I think it went out through
16 the Department of Finance mailings earlier this year.

17 CHAIRPERSON WILLIAMS: And how many have
18 responded?

19 NILDA MESA: [off mic] We're going to have
20 to get back to you on how many people have actually
21 responded, but it's been-- I know it's been busy.
22 It's been, you know, sort of full time as this--
23 especially as this is the busy season, but we're
24 going to have to get back to you on how many actually
25 have used--

1
2 CHAIRPERSON WILLIAMS: [interposing] May
3 have some additional information.

4 NILDA MESA: Over 400, I'm--

5 CHAIRPERSON WILLIAMS: [interposing] Over
6 400, thank you. How many violations for non-
7 compliance has DOB issued?

8 GINA BOCRA: I believe that the average
9 over the last few years has hovered around the mid
10 80's, so we have fairly high compliance rate with
11 Local Law 84.

12 CHAIRPERSON WILLIAMS: And for Intro 1165
13 and 60, is there a fee for an owner to file a report
14 of compliance to the Department? If so, what is it?

15 GINA BOCRA: There's no reporting
16 infrastructure in place at this time, because the
17 reports are due in 2025, so the Department hasn't
18 started collecting those reports.

19 CHAIRPERSON WILLIAMS: Will owners or
20 developers have to submit a revised building
21 application if they have already submitted an
22 application under the old energy code?

23 GINA BOCRA: The way the law is written,
24 if they comply with the code at any time between 2009
25

1 and 2025, they've met the requirements of the law.
2 So, once they've done an upgrade, they're good to go.

3 CHAIRPERSON WILLIAMS: In what point
4 during the construction do they have to use the new
5 energy code versus the old energy code?
6

7 GINA BOCRA: Depends upon the time that
8 they file the application to us. So, if we have a
9 code that's effective October 3rd of this year, and
10 they file an application on October 2nd, and it's
11 complete, they would be under the current code. As
12 of 12:01 a.m. on October 3rd, they would be under the
13 new code.

14 CHAIRPERSON WILLIAMS: If a building is
15 four stories or more, two of which are commercial and
16 two of which are residential, are they held as
17 commercial or residential standards?

18 GINA BOCRA: It's considered a commercial
19 application, but under the commercial code, there are
20 separate provision for dwelling units for residential
21 uses. So, in the commercial code, you will see two
22 sets of requirements, those for residential spaces
23 and those for other types. So, in that case, it
24 would be a commercial building and those spaces that
25

1
2 are of residential use would comply with the
3 residential provision of the commercial code.

4 CHAIRPERSON WILLIAMS: Thank you. We've
5 been joined by Council Member Levine and Grodenchik.
6 I know Council Member Levine has some questions.
7 Since there's no one else, I'm not going to put a
8 clock. I'm going to ask you to--

9 COUNCIL MEMBER LEVINE: [interposing]
10 [off mic]

11 CHAIRPERSON WILLIAMS: Okay, thank you.

12 COUNCIL MEMBER LEVINE: Thank you, Mr.
13 Chair. Good morning, panel. Great to see you.
14 Excited about this package of bills, particularly the
15 attention to solar panels. Fourteen percent of the
16 surface area of New York City is rooftop, as you
17 probably know. That's an area about as big as
18 Manhattan, and we could do a lot more with such a big
19 area than we're doing now, including activating it
20 for greenspace and recreation space, but clearly
21 activating the energy potential of all that square
22 footage holds very exciting promise, and I understand
23 that the codes that you are advancing would require
24 one and two-family homes to be sold already at time
25 of construction. So, my first question is, why limit

1
2 it to one and two-family homes? Does this not apply
3 to larger buildings?

4 GINA BOCRA: It does not apply to larger
5 buildings. We have not developed provision for the
6 larger buildings. This was an appendix that was
7 already drafted in the national model code, so it was
8 an option for municipalities or states to adopt and
9 was already prepared. We would have some research to
10 do if we were to consider expanding this to larger
11 buildings to understand what requirements would be
12 practical, and that's something that the Department
13 would be able to do in the future if there was
14 momentum behind that.

15 COUNCIL MEMBER LEVINE: But wouldn't the
16 requirements roughly be similar for a four-family
17 home? You just need an electrical hook up and one or
18 two other things.

19 GINA BOCRA: For, you know, smaller
20 apartment buildings?

21 COUNCIL MEMBER LEVINE: Well, for--

22 GINA BOCRA: [interposing] I think the--

23 COUNCIL MEMBER LEVINE: I don't
24 understand why it would be a different set of
25 requirements if a building is larger than two

1 families. It becomes, I believe, complicated when
2 who owns the panels and who gets the energy from the
3 panels. So, in a one and two-family home it appears
4 to be a little more straightforward, but these
5 provisions were already drafted in the national model
6 code, and so we chose to adopt them.

8 COUNCIL MEMBER LEVINE: So, it's actually
9 not a technical barrier, it's more of a legal-- it
10 sounds like it's a legal question.

11 GINA BOCRA: we don't' know of any
12 technical barriers at this time, but we would have to
13 research it.

14 COUNCIL MEMBER LEVINE: If I'm not
15 mistaken, in large buildings where the surface area
16 of the roof relative to the size of the building is
17 small, there's no expectation that you'll power the
18 whole building on solar, but that for example, you
19 could power the common areas. Or in the case of a
20 blackout, you can keep the hall lights on and the
21 elevators running. There's some minimal level of
22 power that benefits everybody, even if it's not a
23 substitute for Con-Ed connection. Is that accurate?

24 GINA BOCRA: For some buildings it's
25 probably accurate.

2 COUNCIL MEMBER LEVINE: So, why not move
3 to require at least in new construction some source
4 of common area coverage or the ability to install
5 solar panels for that purpose at least?

6 GINA BOCRA: I-- the simple answer is we
7 did not consider it because we did not have the
8 bandwidth to do all of the research to figure out
9 what provision would be appropriate for all
10 commercial buildings.

11 COUNCIL MEMBER LEVINE: Yeah.

12 GINA BOCRA: but we saw the opportunity
13 in already having language drafted in the national
14 model code that made sense and had already been
15 researched, so we adopted that language.

16 COUNCIL MEMBER LEVINE: Okay, understood.
17 This is a huge step forward, so kudos to you for
18 that, and I look forward to working with you further
19 on this issue. Thank you. Thank you, Mr. Chair.

20 CHAIRPERSON WILLIAMS: Thank you, Council
21 Member. I actually wanted to follow up on that line
22 of questions. I got a little confused. So, I know
23 you mentioned you don't know who will get the
24 savings. I'm confused as to why that makes a
25 difference if we're just talking about making it

1 solar-ready during new construction. What difference
2 would it make of who gets savings if the owner
3 decides to put the panel on or not?
4

5 GINA BOCRA: It's a fair point, but I'm
6 guessing that that's probably why that language is
7 not drafted in the national model code is that there
8 is some complication on how that power is distributed
9 throughout the building where that doesn't seem to be
10 a barrier in smaller buildings.

11 CHAIRPERSON WILLIAMS: Well, would there
12 be opposition to requiring on new construction that a
13 building be solar-ready?

14 NILDA MESA: We're happy to take a look
15 at it, you know, and figure out how best to move
16 forward on it. I mean, you raised a very valid
17 question and valid points on it, and we should go
18 and, you know, see what the potential is.

19 CHAIRPERSON WILLIAMS: Alright, because
20 I'm thoroughly confused on what's the difference of
21 what happens after if we're just making it solar-
22 ready. Okay, thank you. Council Member Grodenchik?

23 COUNCIL MEMBER GRODENCHIK: Good morning,
24 Commissioner. Just curious, anything that we're
25 doing to facilitate rooftop, because I've been asked

1
2 this question a few times, wind power in the City of
3 New York. Local Three which is not in my district,
4 it's in Council Member Lancman district, had one--
5 this was a number of years ago before you were
6 commissioner. They had wanted to put some rooftop
7 wind power on, and they were-- the Buildings
8 Department was drafting regulation. I'm just
9 wondering how far we've gotten?

10 NILDA MESA: Okay. I can't speak
11 specifically on the code side of things, but what I
12 can tell you is that wind in New York City is very
13 challenging to have the numbers add up. The wind
14 speeds within the City are very low, below what they
15 would be in order to make things economically viable
16 to have wind power. So, for example, you know, it's
17 average, something like seven or eight miles per hour
18 except for like one hour between 5:00 and 6:00 p.m.
19 and it's just not enough to really make it worthwhile
20 which is why you don't see a whole lot of wind
21 installations or a whole lot of demand for it on top
22 of buildings. It just-- you know, solar is more
23 efficient. There are other ways of getting more
24 efficient green energy in city buildings.

2 COUNCIL MEMBER LEVINE: Are there-- if
3 somebody wants to do it, though, are there
4 regulations in place so you can apply, or?

5 GINA BOCRA: There are. There was a
6 bulletin issued by the Department to support small
7 turbine installation, because it is not recognized in
8 the code. So we addressed that technology and set up
9 a number of criteria. So, if an owner wants to
10 install a turbine that falls under that criteria,
11 they can do it by right and follow the bulletin. If
12 they choose to install a wind turbine that goes
13 beyond those criteria, then there is a process for
14 them to come through the Office of Technical
15 Certification and Research and work with us to figure
16 out how to make it a safe installation.

17 COUNCIL MEMBER LEVINE: Thank you very
18 much. Thank you, Mr. Chair. Thank you very much. I
19 don't see any other Council Members that have
20 additional questions. Council Member Garodnick?

21 COUNCIL MEMBER GARODNICK: Thank you.
22 Just a few more about support for building owners
23 that they may struggle with, the cost, the filing
24 obligation etcetera. Is there any level of support
25 that the City can offer for the buildings either on a

2 technical-- I recognize this may not be the most
3 difficult filing that anybody would have to do. That
4 said, getting the information, putting it in, is
5 there any sort of financial assistance or other
6 resources available either for small building owners,
7 not-for-profit building owners? Give a sense?

8 NILDA MESA: So it's really right now
9 focused on the benchmarking help center so that when
10 somebody gets a notice that their building would fall
11 within the benchmarking requirements, they also at
12 the same time are informed that they can use the
13 resources at the help center and the staff that we
14 have there are very familiar with the process and
15 they can walk through the building owner. They can
16 walk through exactly how to get that data in the
17 first place from the utilities and then also how to
18 upload the information into Portfolio Manager. It's
19 really meant to be, you know, sort of step by step to
20 teach people how to do it.

21 COUNCIL MEMBER GARODNICK: Okay. Thank
22 you, Mr. Chairman.

23 CHAIRPERSON WILLIAMS: Thank you. Just
24 to clarify again, the cost of solar panel ready for
25 the one and two family homes is minimal, correct?

2 GINA BOCRA: Yes, there's almost no cost.

3 CHAIRPERSON WILLIAMS: Okay. Thank you.

4 So you have the research, but it's likely that that
5 would be similar for the multi-family homes.

6 GINA BOCRA: For small multi-family
7 buildings, that may be the case. In the commercial
8 construction, the biggest challenge that you will run
9 into is that there are a lot of other uses competing
10 for space on the roof that you don't run into in
11 small buildings, like one or two family homes or
12 townhouses. There's not a lot of commitment that has
13 to go up on those roofs. It's fairly
14 straightforward, whereas in commercial buildings you
15 may have a lot of other challenges in trying to
16 address what actually has to happen on the roof and
17 what space is available.

18 CHAIRPERSON WILLIAMS: That makes sense.

19 Thank you very much. Thank you so much for your
20 testimony. I appreciate it. Next we have Laurie
21 Kerr from Urban Green Council, Eric Grosher-- Goshow,
22 American Institute of Architects in New York, Alex
23 Gleason, New York City Central Labor Council, and
24 Victor Nazario 32 BJ. After that panel we will have
25 Frank Ricci, RSA, Joseph Rosenberg, Catholic

2 Communities Relation Council, David Pollock, Jewish
3 Community Relations Council, Marcia Eisenberg, Jewish
4 Community Relation Council, and Mary Ann Rothman from
5 Council Cooperative and Condominiums. So, if that--
6 the people I just called can stand on deck after this
7 panel. So, we have Laurie Kerr, Eric Goshow, Alex
8 Gleason, Victor Nazario. Can you please raise your
9 right hand? Do you affirm to tell the truth, the
10 whole truth and nothing but the truth in your
11 testimony before this committee and to respond
12 honestly to Council Member questions?

13 UNIDENTIFIED: We do.

14 CHAIRPERSON WILLIAMS: Thank you. You
15 each have two minutes to give your testimony, and it
16 can begin at the order of your preference.

17 LAURIE KERR: Good morning, Chairperson
18 Williams and members of the Members of the Committee.
19 My name is Laurie Kerr. I'm a licensed architect and
20 the Director of Policy for the Urban Green Council
21 which seeks to transform New York City's building
22 industry to achieve a sustainable future. On behalf
23 of Urban Green I'm testifying in favor of Intros
24 1160, 1163, 1165 and 1169. Because of the breadth of
25 today's legislation, we have coordinated our

1 testimony with that of AIA NY with AIA NY testifying
2 on the expansion of the Greener Greater Building
3 Plan, and Urban Green concentrating on Intro 1169,
4 the update to the New York City and the Energy
5 Conservation Code. We fully support AIA NY's
6 testimony including the proposal that AIA will put
7 forward that smaller buildings and smaller spaces be
8 allowed the full 10 years to do their lighting
9 upgrades. Urban Green Council supports Intro 1169 in
10 its entirety and strongly encourages the City Council
11 to move swiftly to adopt this new energy code since
12 it needs to go into effect by October 3rd of this
13 year. Urban Green and AIA NY are posed to provide
14 code training to the design community but time is
15 already very short. Delays in code adoption would
16 exacerbate the problem, potentially resulting in
17 extra costs for the real estate industry. Urban
18 Green supports Intro 1169 for several reasons.
19 Achieving the City's target of 80 percent carbon
20 reductions by 2050 will require new buildings to
21 become dramatically more efficient. Intro 1169
22 represents a significant step in that direction. The
23 core provision of 1169 are the updates to the energy
24 codes that were adopted by New York State in March.
25

1
2 By state law, New York City's energy code is required
3 to be at least as stringent as the state's. The New
4 York City specific provision that have been added to
5 the underlying state code were developed by a local
6 industry advisory group convened by the Department of
7 Buildings and rigorously vetted by the Department to
8 ensure that only the best and most cost effective
9 proposals were included. I would also like to offer
10 testimony in favor of two specific provisions. The
11 first provision would require new houses and new
12 apartment buildings three stories or less in height
13 to comply with the insulation requirements for zone
14 six which includes much of Upstate New York.

15 Attached to my testimony that I submitted is a cost-
16 benefit analysis performed by the architect builder
17 Jeremy Shannon showing three different strategies for
18 complying with the detached-- in a detached framed
19 house and in a town house. Using the most cost-
20 effective strategy, the house would save 540 per
21 year-- dollars per year, and pay for itself in 5.6
22 years. The townhouse would save 177 dollars per year
23 with a 6.5 year pay back. Since a buildings thermal
24 envelope is rarely changed, this means that the
25 initial cost would pay for themselves many time over

1 during the estimated 50 to 100 year lifespan of the
2 house.
3

4 CHAIRPERSON WILLIAMS: You can give a
5 closing sentence.

6 LAURIE KERR: And the second provision
7 closing the loophole in the envelope requirements for
8 through-the-wall air conditioners and local heating
9 and cooling units called PTAC [sic] units would cost
10 about 35 dollars per apartment and pay for itself
11 within three to four years. So, again, a very
12 reasonable and cost effective proposal. Thank you
13 for the opportunity to testify.

14 CHAIRPERSON WILLIAMS: Thank you. You
15 can just go.

16 ERIC GOSHOW: Thank you. My name is Eric
17 Goshow--

18 CHAIRPERSON WILLIAMS: [interposing] Is
19 the mic on? Check to see if the mic's on.

20 ERIC GOSHOW: Oh, thank you. My name is
21 Eric Goshow. I'm on the Board of directors of the
22 American Institute of Architects of New York Chapter,
23 and we represent over 5,200 registered architects and
24 associate design and construction professionals. AIA
25 New York aims to lead, inspire and educate our

1
2 members on design and sustainability. Our efforts are
3 based on the belief that sustainability should be an
4 essential part of the design process and be fully
5 integrated with all aspects of a building, including
6 form, function, site, structure, systems, and
7 construction. AIA New York is partaking in a
8 sustained push for initiatives that reduce carbon
9 emissions in the built environment and create healthy
10 spaces for New Yorkers to live and work. In order to
11 achieve the Mayor's 80/50 goals, both public and
12 private sectors must undergo largescale changes. AIA
13 New York has worked collaboratively with Urban Green
14 Council on these issues, and we support their
15 previous statements on the Energy Code updates. We
16 must move quickly to ensure that the industry can
17 properly learn the code and comply with it. AIA New
18 York and Urban Green Council are prepared to ramp up
19 education related to the new codes, but we need the
20 maximum amount of time possible before the code goes
21 into effect on October 3rd. We have a few suggestions
22 on the following codes. I'd like to discuss them
23 with you now. Intro 1160: In order for our
24 buildings to be more efficient, we support Intro
25 1160, which would require the installation of sub-

1 meters in certain tenant spaces. However, we propose
2 that smaller retail tenants also be included in the
3 bill. Retail spaces can be incredibly energy
4 intensive. By sub-metering retail, as well as
5 residential spaces this bill can make a significant
6 impact on New York City's energy use. Regarding
7 Intro 1163: We support the effort to expand the
8 group of buildings that are required to benchmark
9 energy and water efficiency, as outlined in 1163, but
10 we suggest that the bill explicitly state that the
11 space's gross square footage be accurate as well.
12 Benchmarking is essential to energy efficiency
13 because we cannot manage what we do not measure. It
14 also helps building owners identify where money can
15 be saved. Programs, such as the energy's Retrofit
16 Accelerator, are in place to assist building owners
17 in upgrade their buildings. The City-run
18 Benchmarking Help Center can also assist building
19 owners and managers. I'm glad we're talking about
20 small building owners who may fear all of these
21 things that we're trying to do, and we at the AIA and
22 along with the Urban Green Council are willing to add
23 our educational opportunities to help overcome some
24 of those fears. Finally, regarding Intro 1165:

1
2 Lighting systems are essential to building
3 sufficiency. We support Intro 1165 to upgrade
4 certain lighting systems, but we suggest that the
5 bill allow smaller buildings and spaces for 10 years--
6 -

7 CHAIRPERSON WILLIAMS: [interposing] Going
8 to have to ask you to--

9 ERIC GOSHOW: to comply with the law.

10 CHAIRPERSON WILLIAMS: give a closing
11 sentence.

12 ERIC GOSHOW: I'll just end it with that.
13 Thank you.

14 CHAIRPERSON WILLIAMS: Thank you very
15 much.

16 ALEX GLEASON: Good morning. My name is
17 Alex Gleason, and I am the Policy Associate at the
18 New York City Central Labor Council of the AFLCIO,
19 representing 1.3 million workers across 300
20 affiliated unions, the Central Labor Council and its
21 affiliates are well aware of the adverse impact to
22 climate change and the threat posed to all working
23 New Yorkers. Along with ALIGN, the New York City
24 Environmental Justice Alliance and others, the
25 Central Labor Council has been pushing an agenda to

1 tackle the dual crisis of resiliency and income
2 inequality. Our coalition, Climate Works for All,
3 strongly supports a mandatory reduction of emissions
4 on large buildings and believes this is essential to
5 tackle climate change in an effective way. Under the
6 Bloomberg Administration and PlaNYC the City focused
7 first and foremost on buildings over 50,000 square
8 feet. This was reasonable enough as those are the
9 most technically complicated and possess the most
10 financial resources. After almost seven years, it is
11 time to expand these programs and require the same
12 standards on a larger set of buildings. Climate
13 Works for All and the Central Labor Council support
14 the New York City Council's efforts to expand the
15 Greener Greater Buildings Law to those over 25,000
16 square feet. We must become more aggressive to
17 mitigate the climate crisis and this is one of the
18 things the City can do. The Central Labor Council
19 also supports the Energy Code revisions, increasing
20 the efficiency of buildings. Code revisions are an
21 important element in driving the New York City into
22 an era of Passive House standards. There are a
23 myriad of code changes proposed by the 80 by 50
24 working group not in this bill, but will be brought
25

1 before a code committee later this year. We encourage
2 the members of the Committee on Housing and Buildings
3 to push the timeline on this process so the Council
4 is in a position to have a series of Passive House-
5 like code ready to vote on before the end of 2016.
6 Most of the code changes apply when buildings plan to
7 do work and an updated-- and updated codes are
8 triggered. The sooner the City implements Passive
9 House standards, the sooner we can reduce emissions.
10 It should also be noted the climate crisis is not
11 happening free from other policy issues or
12 challenges. It is a dynamic multi-dimensional issue
13 and can push problems like income inequality and
14 wealth to the brink. In other words, it is the poor
15 who will feel the greatest impact of climate change
16 while contributing the least to it. The City has an
17 opportunity to both advance plans to reduce emissions
18 and create well-paying jobs for climate vulnerable
19 New Yorkers. The City currently has no comprehensive
20 jobs planned around the climate. I'll jump to my
21 conclusion, sorry. New York City has the opportunity
22 to effectively tackle both climate change and income
23 inequality, a proactive approach to fighting climate
24 change that incorporates job growth would benefit
25

1 residents and tax payers for generations. We should
2 use any and every opportunity to lift the floor on
3 wages, benefits and the standard of living for all
4 New Yorkers. Thank you for your time and
5 consideration.

6
7 CHAIRPERSON WILLIAMS: Thank you.

8 VICTOR NAZARIO: Good morning, Committee
9 Chair Williams and Committee Members. My name is
10 Victor Nazario, and I'm a resident manager on the
11 Upper East Side. I've been a member of 32BJ since
12 1978, and I was part of the union's training funds
13 first class of green supers in the year 2010. I'm
14 here today to testify in support of bills 1160, 1163,
15 1165, and 1169. 32BJ represents over 155,000 members
16 including 70,000 here in the New York metropolitan
17 area. 32BJ members are cleaners, janitors, security
18 officers, and other building service workers. We
19 proudly reflect the full diversity of New York City.
20 Far too often it is low income communities and
21 communities of color that are disproportionately
22 affected by climate change. For this reason, 32BJ
23 supports the City's goal of reducing greenhouse gas
24 emissions by 80 percent by the year 2050. The
25 building industry has a crucial role to play in

1 meeting this goal. Nearly 75 percent of the City's
2 emissions come from buildings and their operation.
3 Since the year 2010, 32BJ's training fund has trained
4 over 2,000 union members in sustainable building
5 operations and maintenance. The course has given
6 workers like me the knowledge and skills to improve
7 the efficiency of our buildings. Projects I have
8 undertaken on the job include lighting system
9 replacements, building envelope upgrades and boiler
10 and pipe insulation. Bills 1160 and 1163 will
11 complement the efforts of building service workers by
12 ensuring they have the information they need to do
13 their work. Bills 1165 and 1169 continue the City's
14 efforts to integrate the most recent standards of
15 energy efficiency into our building's stock. On
16 behalf of the building service workers, I encourage
17 the Council to pass these bills. I also remind the
18 Council of the ongoing importance of training and
19 standards in the building service industry that
20 ensure measures like this are supported on the job by
21 skilled and experience workforce. Thank you.

23 CHAIRPERSON WILLIAMS: Thank you all so
24 much for your testimony. I appreciate it. They had
25 two questions, one for Urban Green and AI. Mr.

1 Goshow, I butchered your name, so I apologize from
2 the beginning. You were mentioning that you wanted
3 1160 to include retail. Was that correct? Turn your
4 mic. Turn the mic back on.

5
6 ERIC GOSHOW: Just-- yes, we wanted to go
7 for smaller size for retail because retail spaces are
8 so energy intensive. So, we wanted a smaller size to
9 be included for retail than for residential uses.

10 CHAIRPERSON WILLIAMS: Okay. And Ms.
11 Kerr, I think I heard you say something about a delay
12 in the implementation for one of the bills?

13 LAURIE KERR: For the-- excuse me. For
14 the lighting upgrade bill, we think that the smaller
15 spaces that would be captured in that law and the
16 smaller buildings should be given a full 10 years.
17 That's because 10 years is the turn-over cycle for
18 commercial tenants, and the lighting upgrades are
19 most cost effective when they happen at time of
20 turnover and people are redoing spaces. So, those
21 buildings should be allowed the full 10 years like
22 the larger buildings did. So, some sort of amendment
23 to that law would probably be in order.

24 CHAIRPERSON WILLIAMS: I think our-- so
25 you wanted to be beyond 2025?

2 LAURIE KERR: Right. So, the spaces that
3 were captured before and buildings captured before
4 should maintain the 2025, but maybe move for the
5 smaller buildings out to 2027 or something like that
6 so everybody has-- so it's a level playing field
7 really.

8 CHAIRPERSON WILLIAMS: I see. Thank you
9 very much. I don't see any of my colleagues signed up
10 for questions. So, I just want to thank you very
11 much for coming out and testifying before us. Thank
12 you.

13 LAURIE KERR: Sure.

14 CHAIRPERSON WILLIAMS: Next we have Frank
15 Ricci, RSA, Joseph Rosenberg, Catholic Community
16 Relations Council, David Pollock, Jewish Community
17 Relations Council, Marcia Eisenberg, Jewish Community
18 Relations Council, Mary Ann Rothman, Council of
19 Cooperatives and Condominiums, and right after this
20 panel, if you can prepare to come up, Annel
21 Hernandez, New York City Environmental Justice
22 Alliance, Abbey Brown, Environmental Defense Fund,
23 Jordan Levine, the New York League of Conservation
24 Voters, Samantha Wilt, Natural Resources Defense
25 Council. Please be on deck to come on after this

1 panel is finished. So we have Frank Ricci, RSA,
2 Joseph Rosenberg, Catholic Community Relations
3 Council, David Pollock, JCRC, Marcia Eisenberg, JCRC,
4 and Mary Ann Rothman. If you can all raise your
5 right hand please. Do you affirm to tell the truth,
6 the whole truth and nothing but the truth in your
7 testimony before this committee and to respond
8 honestly to Council Member questions?
9

10 UNIDENTIFIED: Yes.

11 CHAIRPERSON WILLIAMS: And you each have
12 two minutes for your testimony. You can begin in the
13 order of your preference.

14 FRANK RICCI: Thank you, Chairman
15 Williams. Welcome back. Good to see you.

16 CHAIRPERSON WILLIAMS: Thank you.

17 FRANK RICCI: My name's Frank Ricci. I'm
18 the Director of Government Affairs for the Rent
19 Stabilization Association. We represent building
20 owners in the City. We have about 25,000 members
21 that collectively have about one million units of
22 housing in the City. We are here to oppose Intro
23 1163 today in its current form because of the
24 increased operating cost that it would impose on the
25 segmented buildings between 25,000 and 50,000 square

1 feet. So, far our experience from our members who
2 have had to benchmark over the last six year under
3 Local Law 84 has been mixed. The one thing that I do
4 hear all the time from owners is A: nothing seems to
5 change or there's a small change from year to year.
6 So they don't understand why they have to do it each
7 year, and I don't know of any owners who are really
8 using this data to do an analysis on their own of
9 their buildings. They-- these are people who review
10 their bills each month. They look at their operating
11 costs over the period of a year. They know what's
12 going on in the building. This change in the law,
13 and I think you heard the testimony from the
14 Commissioner earlier, is basically to give the City
15 more data, and we're not opposed to that, but we
16 don't want to really have to pay for it with next
17 [sic] money, especially at that size of the building.
18 It could be going back into the building to pay for
19 other things, other improvements, other upgrades,
20 etcetera. My suggestion is that the City already--
21 and I think the Commissioner validated this in the
22 questioning from Council Member Garodnick. The City
23 already has access to all the water use data through
24 DEP. They could access that on their own from there,
25

1
2 and if they wanted to come up with a system where an
3 owner would just sign the affidavit or release and
4 let them go to Con-Ed or National Grid and get the
5 energy use, we'd be fine with that, but we don't see
6 the putting this additional burden on the smaller
7 owners who are little bit less sophisticated than the
8 people who own buildings at 50,000 square feet or
9 more. It's something we're opposed to. Thank you.

10 JOSEPH ROSENBERG: Good morning, Chair
11 Williams. Good to see you. I'm glad you're feeling
12 better. I'm Joe Rosenberg, Director of the Catholic
13 Community Relations Council representing the
14 Archdiocese of New York and the Diocese of Brooklyn.
15 I appreciate to be-- I appreciate to have the
16 opportunity today to testify in opposition to Intro
17 1163. The aim of reducing gas emissions is a
18 laudable one not just in our city but worldwide.
19 This is a topic ultimately of global significance.
20 We question, however, the need for expanding the
21 energy benchmarking law and specifically this
22 legislation. It's clear that this benchmarking
23 program is designed to accumulate planning data for
24 the City, but the annual reports are of little help
25 to the property owners, and in the many instances

1
2 none at all. This bill also places an administrative
3 and fiscal burden on property owners, especially
4 nonprofits who are faced with hiring mechanical
5 engineers or other consultants to comply with these
6 annual mandates. The existing law on this proposed
7 bill do not translate into energy use reduction. All
8 property owners both private and nonprofit are aware
9 of their operating expenses. They work to identify
10 and reduce such cost. How could it be otherwise in
11 this environment of rising expenses and hard-to-
12 manage budgets? Catholic Church properties
13 throughout our City include cathedrals, chapels,
14 schools, rectories, convents, community centers, and
15 affordable housing developments. Many of these
16 properties house mission-driven social service
17 operations that focus on providing essential
18 assistance to elderly, disabled and needy residents
19 of our City. Given the scope of this bill, I urge
20 the Council to focus on understanding this bill's
21 impact on various sectors of New York. Local Law 84
22 with the building compliance threshold of 50,000
23 square feet or more requires the energy benchmarking
24 of 62 properties owned by the Catholic Church in New
25 York City. Intro 1163 with a proposed building

1 compliance building threshold of 25,000 square feet
2 or more would add 290 church properties to this
3 mandate. This number of church-owned buildings
4 covered under this proposed benchmarking requirement
5 would therefore soar from 62 properties to over 350.
6 Our parishes do not have the available finances to
7 fund energy conservation measures. Without some
8 financial mechanism the funding stream compliance
9 with its board and expanded mandate will be a
10 difficult challenge. This troubles us. We urge that
11 the Council and the Mayoral Administration either
12 exclude nonprofits from this mandate or identify
13 funding measures and training measures to help
14 nonprofits comply with this legislation. Just on a
15 final note, even more significantly, we see this as a
16 preview, this legislation as a preview of others to
17 follow that would force owners of very limited
18 resources to upgrade energy heating and lighting
19 systems of their buildings when there is no funding
20 available for them to do so. In the case of the
21 Archdiocese and the Diocese of Brooklyn, such a
22 mandate might have a chilling effect on our ability
23 to provide the essential social services that are
24 mission-driven by the church. So, I thank you.
25

1
2 MARCIA EISENBERG: Good morning, Chairman
3 Williams and everyone else at the City Council
4 Housing and Building Committee. I'm Marcia
5 Eisenberg. I'm the General Counsel of the Jewish
6 Community Relations Council, but more to the point,
7 for this hearing I'm the Director of Legal Assistance
8 for Jewish Organizations. I've been assisting
9 hundreds of synagogue schools and other institutions
10 over the years, and we really appreciate that we can
11 testify today. This newest initiative of the City is
12 commendable. You have in front of you a letter from
13 eight groups that represent the nonprofit and
14 religious sector discussing some of our concerns with
15 this legislation and JCRC New York has signed onto
16 that letter. My testimony deals with the nature of
17 the nonprofit religious sector that I see and its
18 ability to deal with government initiatives. I've
19 been working for over 30 years with mostly small and
20 medium Jewish organizations and non-Jewish ones
21 generally on never-ending problems and issues dealing
22 with being New York City property owners. And for
23 me, unless Intro 1163 really has serious outreach,
24 technical and funding assistance for nonprofit and
25 religious organizations in the City, many of these

1 organizations will just not be able to comply. I
2 really get concerned about the possible mess. Over
3 30 years I have seen how hard it is for nonprofit and
4 religious organizations to understand and then comply
5 city agency requirements and forms even when these
6 forms help them and give them exemptions. I've seen
7 nonprofit and religious organization building owners
8 with school populations and congregations in the
9 hundreds, and they still have trouble coping with
10 very simple forms from the Department of Finance and
11 DEP. These are all very important community
12 organizations, and they really do have problems with
13 that. In addition, my concern is on the online
14 filings which is a good idea, but I've seen what
15 happened with the Department of Finance when they
16 went to online renewal filings. I've had to deal with
17 churches, synagogues, mosques and temples, and
18 community-based organizations because they're staffed
19 by volunteers. Many of them older some of them don't
20 have any computers in the buildings, and in some
21 religious communities, they don't even allow
22 computers. Helping these groups will take a lot of
23 work. They need legal and technical assistance. We
24 know there's at least another--
25

2 CHAIRPERSON WILLIAMS: [interposing] I'm
3 going to have to ask you to do a closing--

4 MARCIA EISENBERG: [interposing] There's
5 another-- one more sentence. There's another 1,200
6 nonprofit religious properties that will come in
7 under 1163, and serious assistance is really needed
8 if we're going to succeed.

9 CHAIRPERSON WILLIAMS: Thank you.

10 MARCIA EISENBERG: Thank you.

11 DAVID POLLOCK: Thank you, Chairman
12 Williams and Council Member Garod-- Grodenchik [sic].
13 First, I want to report that-- Grodenchik, I'm sorry.
14 Want to report that Monday we had a meeting with
15 members of the Mayor's Office of Sustainability. It
16 was an excellent meeting, and we addressed the issue
17 that were raised in the letter and the Administration
18 pledged to work with us to address those issues, and
19 we look forward to working with the Administration
20 and the Council to revise this-- amend this
21 legislation to address those issues. One of the
22 points that we made at the meeting was that passive
23 websites and helplines just don't work, and we've
24 been doing this as Marcia mentioned for 30 years. We
25 know that you need to go out to have to provide

1 positive help. You have to provide real and/or
2 virtual hand-holding. We have to develop-- and the
3 answer to one of Deputy Leader Garodnick's questions,
4 we have to develop a method to do that. One of the
5 examples that I gave on Monday was a possible model
6 that the City partnered with a university whether
7 CUNY, Columbia, whatever and have the university
8 train students, interns, and we can develop a paid
9 intern program where these students could go out to
10 users and get them through this kind of process, and
11 we would not only be able to accomplish the City's
12 goals, but we would then be developing students with
13 credentials and with work experience. So it's a
14 win/win everywhere. Another example, nonprofits just
15 don't have the money even if we find that we could
16 update. We could get sustainability and take steps.
17 We don't have the capital resources to do it, and one
18 of the questions that we have is how do you deal with
19 revolving loan funds that could fund this kind of
20 thing. The City should be working on this, and these
21 are not issues that we brought up now, just now, we
22 brought them up in 2009 with the original
23 legislation. We had promises from the Administration
24 and the Council at that point to do it. I understand

1 it was a different a Council, a different
2
3 Administration, but it's still not here. The--
4 finally, the issue in terms of direct upload. I know,
5 again, this was a question that in 2009 they said,
6 "Don't worry, Con-Ed's just going to give us--

7 CHAIRPERSON WILLIAMS: [interposing] going
8 to have to ask you to give a closing sentence.

9 DAVID POLLOCK: all of the data." We
10 need to really make a serious effort to get that done
11 so that the City can get the data it needs to make
12 policy. Thank you.

13 MARY ANN ROTHMAN: Good morning Chairman
14 Williams and members of the Committee.

15 CHAIRPERSON WILLIAMS: Can you bring the
16 mic a little closer.

17 MARY ANN ROTHMAN: My name's Mary Ann
18 Rothman and I'm the Executive Director of the Council
19 of New York Cooperatives and Condominiums, a
20 membership organization comprised of housing
21 cooperatives and condominiums located throughout the
22 five boroughs of New York City and beyond. These are
23 the homes of some 170,000 New York families. My
24 organization has worked with the Mayor's Office of
25 Sustainability in support of its efforts to increase

1 energy efficiency while working also to help keep
2 costs down for our members as they are obliged to
3 comply with new laws. Often the road to compliance
4 can be rocky. Benchmarking requires us to measure
5 energy use and show where our energy dollars are
6 going. Medium-size buildings could benefit from this
7 tool to pinpoint problems and work to solve them.
8 Unlike larger more complex structures, these
9 buildings surely don't need costly energy audits, and
10 we have assurances from the City that these will not
11 be required. Instead, using the information the
12 benchmarking experience reveals, these buildings will
13 be encouraged to fine-tune equipment in systems to
14 raise resident awareness of the areas where energy
15 use can be improved. But even with time to plan with
16 good guidance available, unfunded mandates such as
17 what you're considering today are costly to our
18 members and could wreak havoc with the budget of a
19 building. CNYC strongly urges the City Council to
20 include incentives, tax credits, something to cover
21 the cost of mandates otherwise unfunded which are
22 imposed upon the buildings of New York City. Thank
23 you.
24
25

2 CHAIRPERSON WILLIAMS: Thank you very
3 much. Just so I'm clear, you're saying-- it seemed
4 like you're saying the kinks were worked out in Local
5 Law 84, but you still don't think it needs to be
6 expanded unless we provide--

7 MARY ANN ROTHMAN: [interposing] I'm
8 saying if it's to be expanded, there's been-- there's
9 been testimony all day today about ways in which
10 we're trying to help people overcome the cost. What
11 the city has done is admirable if they can persuade
12 Con-Ed to eliminate-- to upload directly and
13 eliminate the \$102.50, it will be even more
14 admirable, but where it-- where physical effort and
15 money has to go into meeting mandates, I would hope
16 that the City would provide incentives, tax credits,
17 something to defray those costs.

18 CHAIRPERSON WILLIAMS: And Mr. Pollock
19 and Ms. Eisenberg you were in favor with suggestions,
20 which is always good. But who would pay for the
21 interns you're speaking of?

22 DAVID POLLOCK: Do a contract with people
23 to pay the interns. So, it could make it, especially
24 for nonprofits, it could make the system work.

25 CHAIRPERSON WILLIAMS: Mr. Ricci--

2 MARCIA EISENBERG: [interposing] I was
3 going to-- I also wanted to say that nonprofits and
4 religious organizations can't use tax credits or--
5 and they can't offload, you know, and charge more for
6 their social services. So, it's a problem.

7 CHAIRPERSON WILLIAMS: How much cost the
8 owners that are in the program now that have to do
9 the--

10 FRANK RICCI: [interposing] It's anywhere
11 from the estimates I've heard, 500 to 1,000 dollars.
12 I know the Real Estate Board of New York submitted
13 testimony today that, you know, some of their
14 buildings it goes up to 2,500 dollars, because those
15 are commercial buildings, but for residential it
16 could be anywhere from 500 to 1,000.

17 JOSEPH ROSENBERG: The properties that
18 are benchmarked under the jurisdiction of the
19 Catholic Church it's 1,000 dollars annually.

20 CHAIRPERSON WILLIAMS: Is it reasonable
21 to think that it would cost less for the buildings
22 that are smaller?

23 FRANK RICCI: I don't see how. It would
24 be less. It's the inputting the data, gathering the
25 data, you know, any consultant. Just to get a

1
2 plumber to drive to your house is 250, 300 dollars
3 now, so.

4 JOSEPH ROSENBERG: And just to add on
5 that, the architecture of many of the church
6 properties are obviously very distinct, between
7 vaulted ceilings, stained glass and being just
8 landmarked issues. So, each one is its own very
9 different story that would require its own
10 assessment, and we would not expect the cost of
11 benchmarking any of them to go down if the threshold
12 is expanded--

13 DAVID POLLOCK: [interposing] Let me add--

14 JOSEPH ROSENBERG: by reducing it to 2,500
15 square feet.

16 DAVID POLLOCK: Let me add a note of
17 reality here. Even where the City controls the data
18 at DEP, it's a 14-step process to get to the data,
19 and get your data into the portfolio manager. The
20 workbook for houses of worship, the portfolio manager
21 workbook for houses of worship is 34 pages long. So,
22 this isn't a trivial process. This isn't something
23 you can just dash off whether it's for apartment
24 buildings or other kinds of owner, but we're in-- we
25 in the nonprofit world can't use tax credits or

2 whatever to accomplish this goal, and that's why
3 we're asking before this legislation kicks in, they
4 should have the help that they've been promising
5 since 2009 in place so we can go forward.

6 CHAIRPERSON WILLIAMS: How many-- how many
7 stories is 2,500 roughly?

8 FRANK RICCI: I mean, 25 that could be a
9 five-story walk-up, probably or higher.

10 JOSEPH ROSENBERG: The expansion of 1163
11 would basically affect chapels, rectories, convents
12 and schools under the jurisdiction of the Catholic
13 Church. We looked at the assessors rules and there
14 are now 1,200 buildings, additional buildings that
15 would be covered. Probably half of those are in the
16 religious community.

17 CHAIRPERSON WILLIAMS: Okay, thank-- I
18 don't think you have any questions. We've been
19 joined by Council Member Ulrich, and I believe we
20 were joined by Council Member Rodriguez briefly.
21 Thank you so much for your testimony. We've
22 definitely heard your concerns. Thank you. We have
23 Annel Hernandez, New York City Environmental Justice
24 Alliance, Abbey Brown, Environmental Defense Fund,
25 Jordan Levine, the New York League of Conservation

1
2 Voters, Samantha Wilt, Natural Resources Defense
3 Council, and on deck for the final panel we have
4 Daniel, I think it's Nall from-- Carr [sic]? Oh, no
5 we have two. We have two. So, Daniel Nall from
6 ACEC, Josh Kellerman from ALIGN, and Daniel Karpen
7 from-- I guess representing yourself. So we have
8 those three that should be on deck for this-- right
9 after this panel. So be prepared. That's all we
10 have signed up for testifying. So, if you want to
11 testify please make sure you sign with the Sergeant.
12 We should have Annel Hernandez, Abbey Brown, Jordan
13 Levine, and Samantha Wilt. Can you please raise your
14 right hand? Do you affirm to tell the truth, the
15 whole truth and nothing but the truth in your
16 testimony before this committee and to respond
17 honestly to Council Member questions? You'll each
18 have two minutes. You can begin in the order of your
19 preference.

20 ANNEL HERNANDEZ: Good morning,
21 Chairperson Williams and other members of the City
22 Council. My name is Annel Hernandez, and I'm
23 Resiliency Planner with the New York City
24 Environmental Justice Alliance. NYEJA is a citywide
25 nonprofit linking grassroots organizations from low

1 income neighborhoods and communities of color in
2 their struggle for environmental justice, and I am
3 here today to support the set of bills that are being
4 proposed. Through our efforts, member organizations
5 coalesce around specific common issues that threaten
6 their ability to thrive, and together we coordinate
7 campaigns designed to affect city and state policies
8 including energy policies that directly affect these
9 communities. Because a number of NYEJA member
10 organizations come from communities overburdened by
11 greenhouse emissions and co-pollutants from power
12 plants clustered in their neighborhoods, our
13 organization is a key advocate for the City's 80 by
14 50 emission reduction goal. NYEJA is also a member
15 of the Building Technical Working Group that analyzes
16 the potential greenhouse gas emission reduction
17 pathways for the building sector, and NYEJA is also a
18 core coordinator of the Climate Works for All
19 Coalition along with ALIGN and the New York City
20 Central Labor Council with the goal of reducing
21 emissions and creating good jobs with equity as a
22 central focus. We support the Council's expansion of
23 the Greener Greater Building Laws to include
24 buildings over 25,000 square feet from the previous
25

1 regulation of 50,000 square feet, and we acknowledge
2 that the City is taking major steps in reducing the
3 largest source of emissions in the City. As we take
4 these bolder steps to reduce our carbon footprint,
5 the City should also guarantee protections for low
6 income neighborhoods and communities of color. As
7 the Energy Code continues to evolve, we need to
8 create safeguards for rent stabilized and rent
9 regulated buildings to ensure that families are not
10 pushed out of their homes and communities due to
11 major capital improvement rent increases. A just
12 energy policy is essential to NYEJA's work and we
13 look forward to continued collaboration with the City
14 to mitigate the threats of climate change. Thank
15 you.

17 ABBEY BROWN: Thank you, Chairman
18 Williams and all of the City Council Members who
19 sponsored these bills as well as the ones who are
20 here today and the Mayor. My name is Abbey Brown.
21 I'm a Project Manager with Environmental Defense
22 Fund, and I am grateful for the opportunity to speak
23 in support of these bills, and there's a fly on my
24 testimony. By updating the Greener Greater Buildings
25 laws, New York City is taking significant steps to

1
2 achieve energy and carbon reductions. Mayor de
3 Blasio and this Council have set ambitious goals for
4 our city reducing 80 percent of our carbon emissions
5 by 2050, and as roughly 75 percent of New York City's
6 emissions come from buildings, these introduced bills
7 would go a long way towards making that possibility a
8 reality. Critical to this effort is developing an
9 accurate accounting of how much energy is used and
10 for what purpose. Benchmarking building's energy use
11 has proven an essential tool, enabling a greater
12 level of understanding and awareness of a building's
13 performance. The more buildings that benchmark, the
14 clearer our understanding becomes. EDF is supportive
15 of swift and strong actions to reduce our emissions
16 citywide, and these bills collectively help enable
17 that outcome. However, there are some concerns. EDF
18 requested the Council work to ensure that the
19 agencies responsible for tracking and verifying
20 compliance are appropriately staffed and equipped to
21 handle the resulting increase in work load.
22 Additionally, the expanded pool of buildings and
23 tenant spaces subject to compliance may require
24 additional time and support to comply with these
25 requirements. It would be to the benefit of all

1 parties if the City provide-- that the City provide
2 additional support for smaller buildings, buildings
3 facing financial hardship and low income housing to
4 aid in compliance. Addressing energy use in
5 buildings is crucial in addressing the cause of
6 climate change, carbon emissions. By reducing energy
7 use in buildings, we cut cost on energy bills as well
8 as reducing emissions, making our city a cleaner,
9 safer place for future generations. The Council has
10 done well in expanding the pool of buildings required
11 to act, and Environmental Defense Fund looks forward
12 to working with the Council and Mayor de Blasio to
13 pass these bills and implement them successfully.
14 Thank you.

16 JORDAN LEVINE: Good afternoon. My name
17 is Jordan Levine. I'm with the New York League of
18 Conservation Voters. We're a statewide environmental
19 group with over 25,000 members in New York City.
20 We're committed to advancing the sustainability
21 agenda that will make our people, our neighborhoods
22 and our economy healthier and more resilient. Thank
23 you for the opportunity to testify today on this
24 package of bills that will aim to increase efficiency
25 in our buildings. This hearing could not be more

1
2 timely with summer already having arrived, and the
3 increased energy consumption that comes with high
4 temperatures, we're already seeing air quality health
5 advisories. During the hottest days of the year, the
6 demands on the energy grid required us to power on
7 the dirtiest sources of energy generation. This not
8 only means exponentially more emissions, but also
9 more particulate matter that's released into the air,
10 exacerbating respiratory illnesses like asthma.

11 Though we're optimistic about the potential for clean
12 energy generation in our New York City, the reality
13 is that building efficiency is going to be the key to
14 reaching our ambitious air quality and climate
15 reduction goals. New York City's nearly one million
16 buildings are responsible for nearly 75 percent of
17 our emissions. We see each of these four bills as a
18 positive step toward reducing building emissions 30
19 percent below a 2005 baseline by 2025. I'll submit
20 the rest of my records for-- the rest of my comments
21 for the record, but I did want to mention, however,
22 that these requirements in smaller buildings will
23 only be successful if these rules are adequately
24 enforced. We look forward to hearing more from the
25 Department of Buildings and Mayor's Office of

1 Sustainability about their plan to ensure that all of
2 these additional properties that will be covered are
3 in compliance. We would emphasize we'd like to see
4 additional resources and staff allocated for this
5 purpose and also for the retrofit accelerator which
6 has been such a crucial aspect of helping these
7 buildings to come into compliance. Thank you again
8 for the opportunity.
9

10 SAMANTHA WILT: Good afternoon, Chairman
11 Williams and members of the Committee. My name is
12 Samantha Wilt. I'm an Energy Policy Analyst at the
13 National Resources Defense Council. Thanks for the
14 opportunity to testify in support--

15 CHAIRPERSON WILLIAMS: [interposing] Can
16 you bring the mic closer?

17 SAMANTHA WILT: Yep, sorry. NRDC has a
18 long history of working in New York City on issues
19 related to building efficiency, including working
20 extensively with the Council and the Administration
21 on the landmark Greener Greater Buildings plan of
22 2009, which we have since taken to other cities
23 across the country through the City Energy Project,
24 which referenced the other cities in the
25 Administration's testimony. The legislation before

1
2 you today expands many elements of the plan to
3 smaller buildings, and this will not only play a
4 critical role in achieving the City's 80 by 50
5 greenhouse gas reduction goal, but will also result
6 in significant job creation, lower energy costs for
7 consumers, fewer emissions of harmful pollutants, and
8 increased reliability of our electric grid. As you
9 know, and as everyone has said today, buildings in
10 New York City account for nearly three-quarters of
11 the total citywide emissions, and therefore, to reach
12 our 80 by 50 interim goals, we'll have to continue
13 the great strides that have been made since the
14 passage of the Greener Greater Buildings plan of
15 2009. In partial answer to Councilman Garodnick's
16 earlier question, a 2015 Department of Energy-- US
17 Department of Energy study the savings calculated
18 just through 2013 yielded 5.7 energy-- 5.7 percent
19 energy savings in covered buildings which equal to
20 267 million dollars in energy cost savings and a 9.9
21 percent reduction in greenhouse gas emissions, which
22 is in my testimony and you will see that I'm sure.
23 We will need to push forward and capture the annual
24 estimated reduction of 710,000 metric tons of CO2
25 equivalent from passing this package of legislation

1 and of course continue to pursue additional measures
2 and efforts to yield highly efficient, more
3 comfortable and affordable buildings for everyone in
4 the City. We applaud this committee, the Council and
5 the Administration for your continued national and
6 international leadership on this topic and look
7 forward to continuing to work with you to achieve the
8 City's critical climate goals. Thank you.

10 CHAIRPERSON WILLIAMS: Thank you very
11 much for your testimony. I think Ms. Brown, and
12 maybe-- if there was another person I can't remember,
13 but talked about additional resources for the
14 agencies. If you can just give some specific
15 agencies and what you think those resources should
16 be.

17 ABBEY BROWN: Well, Jordan referenced a
18 second ago that the Retrofit Accelerator has already
19 been such a strong force in helping buildings achieve
20 larger energy reductions and cost savings. If these
21 bills do widen the pool of buildings that will be
22 doing that work, I would just ask that it be kept in
23 mind that the Retrofit Accelerator continue to be
24 adequately staffed or perhaps the staff increased if
25 there are more buildings to address, and also in

1
2 particular the Department of Buildings and other
3 agencies that are responsible for permitting. I
4 think several people have mentioned here today the
5 time required for the permitting process and if more
6 buildings are going to be submitted permits for work,
7 I believe that those agencies should be adequately
8 staffed to handle the increased load.

9 JORDAN LEVINE: That's exactly right,
10 everything that Abbey said, and I want to emphasize
11 one additional point. The largest buildings in the
12 City are the ones that are generally going to be the
13 best equipped to comply with these sorts of mandates.
14 It's the Class B and the Class C sorts of buildings,
15 smaller buildings, you know, potentially less
16 affluent that aren't necessarily going to have the
17 resources. So, these City programs like the Retrofit
18 Accelerator are going to be so key as we bring these
19 mandates down to smaller and smaller buildings.

20 CHAIRPERSON WILLIAMS: Any idea of what
21 the staffing is now and how much more you think it
22 should be increased?

23 ABBEY BROWN: I'm sorry, I don't know the
24 exact numbers, but I would be happy to discuss that
25 with you later.

2 JORDAN LEVINE: I think it's a great
3 question. You know, we'd certainly love to see more
4 data, and we look forward to working with you and the
5 City to try and get that and get a better grasp on
6 what the current situation is.

7 CHAIRPERSON WILLIAMS: Okay, thank you
8 very much for your testimony. Greatly appreciate it.
9 As I mentioned, we have one more panel. There are
10 three people on the panel. We have no one else
11 signed up. If you'd like to sign up, please now
12 you'd give your card to the Sergeant of Arms. Daniel
13 Nall, ACAC, Josh Kellerman, ALIGN, and Daniel Karpen
14 [sp?]. Can you please raise your right hand? Do you
15 affirm to tell the truth, the whole truth and nothing
16 but the truth in your testimony before this committee
17 and to respond honestly to Council Member questions?

18 UNIDENTIFIED: I do.

19 CHAIRPERSON WILLIAMS: Thank you so much
20 for waiting. Much appreciated. You have two minutes
21 for your testimony. You can begin in the order of
22 your preference.

23 DANIEL NALL: I'd like to thank the
24 Mayor's Office, City Council and New York City
25 Department of Buildings for inviting us to testify in

1 favor of Intro 1169. I'm the Vice Chair of the ACEC
2 New York City Energy Codes Committee. Founded in New
3 York City in 1921, ACEC New York is one of the oldest
4 continuing organizations of professional consulting
5 engineers in United States. ACEC New York represents
6 280 engineering and affiliate firms throughout New
7 York State, employing 20,000 people, many of whom are
8 in the five boroughs of New York City. ACEC New York
9 is dedicated to promoting growth of the industry
10 through education of our members, promotion of
11 cooperative partnerships. Our members volunteer
12 hundreds of hours every year helping New York City
13 Department of Buildings with construction code
14 updates. The legislative schedule for adoption of
15 Intro 1169 is of critical importance to all New York
16 City stakeholders. By state process, the new New
17 York State Energy Code will go into effect on October
18 3rd of this year. As such and by law the New York
19 City code update must also go into effect on or
20 before that date. Since the design process for new
21 buildings takes many months and sometimes years,
22 project owners and design professionals for projects
23 that will need to fit-- that will need to file for
24 building permits in the October timeframe are already
25

1
2 at risk due to uncertainty of the pending code update
3 relative to design decisions that must be made. At
4 last, I wish to emphasize the acute need to pass the
5 intro prior to the end of June in order to allow
6 industry time to react to the required design changes
7 prior to the effective October 3rd date. Next, I
8 would like to call attention to the continuing
9 precedent set in the last energy code update in
10 modifying Section C407, total building performance of
11 the code by replacing the requirements of the
12 international energy conservation code with analogous
13 requirements of actuary standard 90.1 2013.

14 CHAIRPERSON WILLIAMS: You can give a
15 closing sentence.

16 DANIEL NALL: Okay. I think three points
17 I'd like to make. One is that there is an issue with
18 respect to variance and interpretations of the energy
19 code. The current process requires these to go to
20 New York State. This can be very cumbersome and time,
21 and cause much delay. At a minimum we think that New
22 York City employees should be able to rule on
23 interpretations. And finally, we'd like to say that
24 this code is very complicated and much education and
25

1 training is needed both for building officials and
2 for practitioners.

3
4 DANIEL KARPEN: My name is Daniel Karpen,
5 K A R P E N, professional engineer. I do consulting
6 engineering, and I'd like to point out some major
7 deficiencies in the code. Page 35, section C
8 403.2.1, calculation heating and cooling loads, and
9 they say design loads associated with heating,
10 ventilating and air conditioning shall be determined
11 in accordance with ASAN Ashray ACCA standard 183
12 etcetera. That is terribly deficient. In a steam
13 heated building, which I do a lot of steam work, the
14 boilers are terribly oversized. They're oversized
15 because the engineers never did the right
16 calculations. These calculations should be on the
17 sheets submitted to the Buildings Department.
18 Moreover, the big problem is that a lot of buildings
19 need a complete energy audit prior to putting in a
20 boiler. When you do the energy audit, insulate the
21 steam lines with three inches of pipe insulation
22 which is not in this code, you can then put in a much
23 smaller boiler. When you do that you can save 30 to
24 50 percent of the energy to heat a building. There's
25 a lot of steam heated buildings in the City. Most of

1 these are medium-sized buildings, churches, small
2 apartment buildings, low pressure one and two pipe
3 steam systems. All these people are crying because
4 the cost of heating them is too much, because the
5 boiler's oversized, sometimes by a factor of 20. Go
6 look at my article I've given you, "How not to--
7 getting rid of an oversized-- no, let's look at the
8 one, "Why do my vertical steam risers bang so much?"
9 This is a story of a brown house, brownstone in
10 Brooklyn renovated and they put in a 400,000, 450,000
11 BTU input gas fire boiler where the actual load on
12 this building that was basically insulated to almost
13 passive standards was 20,000 BTU's per hour. No
14 engineer was involved because it's a one and two-
15 story, one or two-family building. You don't need an
16 engineer to put a boiler in. The code should require
17 that engineers stamp and seal plans instead of having
18 plumbers do them, because plumbers often oversize
19 boilers. So there's huge waste there. There's also
20 the basic problem of getting rid of the steam pipe
21 banging situation, the whole code with regard to
22 steam heat is terribly, terribly deficient. I urge
23 the Council to pass this right now to get it off
24 their plate and hold more hearings later on to put in
25

1
2 more code revisions that have to be done. I've tried
3 to get on the Buildings Department Committee that was
4 revising this code. They rejected my application. I
5 then asked who the members are. They didn't give me a
6 list of the members.

7 CHAIRPERSON WILLIAMS: Going to have to
8 ask you to--

9 DANIEL KARPEN: [interposing] I then asked
10 could I attend the meetings and sit in the back of
11 the room? No, they refused to even tell me when the
12 meetings were and when they were being held. The
13 Buildings Department basically shut me out of the
14 process.

15 CHAIRPERSON WILLIAMS: Thank you for your
16 testimony.

17 DANIEL KARPEN: Any questions for me?

18 CHAIRPERSON WILLIAMS: Well, we're going
19 to let him testify, and if we have any questions
20 we'll continue. You might want to turn off your mic,
21 because we'll get feedback.

22 JOSH KELLERMAN: Thank you, Council
23 Member, Chair. My name is Josh Kellerman. I work at
24 ALIGN, the Alliance--
25

2 CHAIRPERSON WILLIAMS: [interposing] Can
3 you bring the mic closer?

4 JOSH KELLERMAN: Yeah. My name is Josh
5 Kellerman. I work at ALIGN, the Alliance for a
6 Greater New York. We're a labor community coalition
7 in New York City that co-coordinates the Climate
8 Works for All Coalition. I have a few things that
9 I'll summarize that I think are important for this
10 conversation based on what I've heard earlier. One
11 is that I think that the City should consider
12 creating a team of public sector workers to provide
13 free audits throughout the City to building owners.
14 It's one of the most expensive things that building
15 owners speak about. It's one of the most essential
16 pieces to identifying the things that need to be done
17 to each building. So the City should have a cadre of
18 public sector workers that go around neighborhood to
19 neighborhood. They could focus on affordable housing
20 in the City to conduct those audits as a first round.
21 The City should play hardball with Con-Ed. It's
22 clearly the elephant in the room here aside from the
23 cost of audits, that it's expensive and time
24 consuming for buildings owners to do the
25 benchmarking. Con-Ed is very recalcitrant on this

2 issue and should be pressured using every single
3 means necessary. And finally, I think that there is
4 a huge opportunity for job creation through all of
5 the updated code standards that are coming down the
6 pike, but there's currently as I understand no
7 workforce development plan associated with any of
8 these retrofit-- any of this retrofit agenda. The
9 Retrofit Accelerator should have a job creation plan
10 connected to it where they're aggregating buildings
11 and working and creating a jobs pipeline for
12 disadvantaged New Yorkers to access these jobs and to
13 be trained in the industry. And finally, it's
14 essential that we deal with the fact that this could-
15 - some of the costs associated with these retrofits
16 will be pushed on to low income New Yorkers through
17 MCI's major capital improvements, and it's really
18 essential that that not happen and that there be
19 funding available to facilitate building owners and
20 rent controlled buildings to do this work without
21 feeling the need to pass it on to their tenants. And
22 we look forward to working with the Council to
23 address these issues. Thank you.

24 CHAIRPERSON WILLIAMS: Thank you very
25 much. I appreciate all of your testimony. The only

1 question I had was if any of you had a response to
2 the cost of the-- of how much it's going to cost
3 particularly for the lower buildings as opposed to
4 the larger buildings.
5

6 JOSH KELLERMAN: I mean, I think the cost
7 is one of time more than anything because of the-- I
8 mean, most building owners have access to energy
9 bills. It just takes time to go on to fill out all
10 of that information online. And so I think that
11 getting at Con-Ed and leveraging them more than just
12 going to PSE hearings and testifying there has to be
13 more means the city can employ to leverage Con-Ed to
14 directly upload this data so that building owners
15 don't even have to touch it.

16 CHAIRPERSON WILLIAMS: Did the cost of
17 500 to 1,000 sound about right?

18 JOSH KELLERMAN: I mean, I assume that
19 that's right. Not coming from the building sector,
20 though, I defer to those folks on that.

21 CHAIRPERSON WILLIAMS: I mean, I may-- I
22 can see how that would be or could be problematic for
23 some of the smaller buildings, particularly if it's a
24 school or a religious institution.
25

2 JOSH KELLERMAN: Absolutely. And it's--
3 and again, Con-Ed can do this.

4 CHAIRPERSON WILLIAMS: Okay, thank you.
5 Did you have something?

6 DANIEL KARPEN: The 500 to 1,000 dollars
7 is about right. Building owners should understand
8 that these laws are laws, unlike any other law in the
9 City of New York that cost people to comply with.
10 Energy conservation laws in the long run save owners
11 money. This article, "Getting rid of an over-sized
12 boiler" is a case study of a six unit apartment
13 building in Queens where we got rid of a 400,000 BTU
14 steam boiler, put in one around 100,000 BTU's to heat
15 the building; fired it with gas. Put in separate
16 condensing gas hot water heater. It cut the energy
17 cost-- energy use in the building probably 30 to 50
18 percent. It cut the energy costs by 70 percent.
19 Payback period, two years. They're crying because
20 all they want to do is cry. They're lazy, these
21 buildings owners. I have a church I was working with,
22 boilers oversized by a factor of three. We got the
23 steam traps replaced. I can't get the church off
24 their butt to move and put in a more appropriately
25 sized boiler that would cut their energy costs. The

1 boiler room is vastly overheated. When I got through
2 with my boiler rooms, they're generally cold. The
3 heat is upstairs where it really belongs. I have one
4 study of a building, a 26,000 square foot apartment
5 building in Brooklyn where 56 percent of the energy
6 is lost in the boiler room and not being used to heat
7 the building. That's how bad, how inefficient a lot
8 of these buildings are.
9

10 CHAIRPERSON WILLIAMS: Thank you very much
11 each for your testimony. I greatly appreciate it.
12 For the record, we have testimony from REBNY and New
13 York Coalition of Co-Consultants. With that, I want
14 to thank everybody for sticking around, and the
15 hearing is now closed.

16 [gavel]
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COMMITTEE ON HOUSING AND BUILDINGS

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 July 6, 2016