

## **City Environmental Quality Review**

### **Environmental Assessment Statement**

-for-

Intro 994A (2024)

CEQR No. 26HPD040Y

Lead Agency:

New York City Department of Housing Preservation and Development

Ahmed Tigani, Acting Commissioner

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## City Environmental Quality Review

## ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

## Part I: GENERAL INFORMATION

**1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?** ☐ YES ☒ NO

If "yes," STOP and complete the [FULL EAS FORM](#).

**2. Project Name** Intro. 994-A

**3. Reference Numbers**

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
26HPD040Y

BSA REFERENCE NUMBER (if applicable)  
N/A

ULURP REFERENCE NUMBER (if applicable)  
N/A

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA) 994-A

**4a. Lead Agency Information**

NAME OF LEAD AGENCY  
NYC Department of Housing Preservation and Development

**4b. Applicant Information**

NAME OF APPLICANT  
NYC's Mayor's Office of Climate and Environmental Justice

NAME OF LEAD AGENCY CONTACT PERSON  
Ahmed Tigani, Acting Commissioner

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON  
Elijah M. Hutchinson, Executive Director

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v

**5. Project Description**

The proposed action consists of the passage of a proposed local law (Intro. 994-A) which would amend the New York City charter and the administrative code of the City of New York, in relation to cooling systems in tenant occupied dwellings across all 59 of the City's Community Districts. More specifically, the proposed local law would require owners of all dwelling units (DUs) to ensure that DUs are equipped with one or more cooling systems capable of providing adequate cooling.

**Project Location**

BOROUGH Citywide

COMMUNITY DISTRICT(S) N/A

STREET ADDRESS N/A

TAX BLOCK(S) AND LOT(S) N/A

ZIP CODE N/A

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS N/A

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY N/A

ZONING SECTIONAL MAP NUMBER N/A

**6. Required Actions or Approvals** (check all that apply)

**City Planning Commission:** ☐ YES ☒ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT

☐ ZONING CERTIFICATION

☐ CONCESSION

☐ ZONING MAP AMENDMENT

☐ ZONING AUTHORIZATION

☐ UDAAP

☐ ZONING TEXT AMENDMENT

☐ ACQUISITION—REAL PROPERTY

☐ REVOCABLE CONSENT

☐ SITE SELECTION—PUBLIC FACILITY

☐ DISPOSITION—REAL PROPERTY

☐ FRANCHISE

☐ HOUSING PLAN & PROJECT

☐ OTHER, explain:

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**Board of Standards and Appeals:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE: _____ SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION				
<b>Department of Environmental Protection:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Cogeneration Facility <input type="checkbox"/> Title V Permit				
<b>Other City Approvals Subject to CEQR</b> (check all that apply)				
<input checked="" type="checkbox"/> LEGISLATION <input checked="" type="checkbox"/> RULEMAKING <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES <input type="checkbox"/> 384(b)(4) APPROVAL <input type="checkbox"/> OTHER, explain: _____		<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify: _____ <input type="checkbox"/> POLICY OR PLAN, specify: _____ <input type="checkbox"/> FUNDING OF PROGRAMS, specify: _____ <input type="checkbox"/> PERMITS, specify: _____		
<b>Other City Approvals Not Subject to CEQR</b> (check all that apply)				
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)		<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL <input type="checkbox"/> OTHER, explain: _____		
<b>State or Federal Actions/Approvals/Funding:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify: _____				
<b>7. Site Description:</b> The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area. <b>Graphics:</b> The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.				
<input type="checkbox"/> SITE LOCATION MAP <input type="checkbox"/> TAX MAP <input type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP		<input type="checkbox"/> ZONING MAP <input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S) <input type="checkbox"/> SANBORN OR OTHER LAND USE MAP		
<b>Physical Setting</b> (both developed and undeveloped areas)				
Total directly affected area (sq. ft.): N/A		Waterbody area (sq. ft) and type: N/A		
Roads, buildings, and other paved surfaces (sq. ft.): N/A		Other, describe (sq. ft.): a		
<b>8. Physical Dimensions and Scale of Project</b> (if the project affects multiple sites, provide the total development facilitated by the action)				
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A				
NUMBER OF BUILDINGS: N/A		GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A		
HEIGHT OF EACH BUILDING (ft.): N/A		NUMBER OF STORIES OF EACH BUILDING: N/A		
Does the proposed project involve changes in zoning on one or more sites? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
If "yes," specify: The total square feet owned or controlled by the applicant: _____				
The total square feet not owned or controlled by the applicant: _____				
Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):				
AREA OF TEMPORARY DISTURBANCE: _____		sq. ft. (width x length)		VOLUME OF DISTURBANCE: _____
AREA OF PERMANENT DISTURBANCE: _____		sq. ft. (width x length)		cubic ft. (width x length x depth)
<b>Description of Proposed Uses</b> (please complete the following information as appropriate)				
	<b>Residential</b>	<b>Commercial</b>	<b>Community Facility</b>	<b>Industrial/Manufacturing</b>
<b>Size</b> (in gross sq. ft.)	N/A	N/A	N/A	N/A
<b>Type</b> (e.g., retail, office, school)	N/A units	N/A	N/A	N/A
Does the proposed project increase the population of residents and/or on-site workers? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
If "yes," please specify: _____		NUMBER OF ADDITIONAL RESIDENTS: _____		NUMBER OF ADDITIONAL WORKERS: _____
Provide a brief explanation of how these numbers were determined: _____				
Does the proposed project create new open space? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify size of project-created open space: _____ sq. ft.				
Has a No-Action scenario been defined for this project that differs from the existing condition? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
If "yes," see <a href="#">Chapter 2</a> , "Establishing the Analysis Framework" and describe briefly: _____				
<b>9. Analysis Year</b> <a href="#">CEQR Technical Manual Chapter 2</a>				
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2030				
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A				
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF MULTIPLE PHASES, HOW MANY? _____				

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

**10. Predominant Land Use in the Vicinity of the Project** (check all that apply)

☐ RESIDENTIAL    ☐ MANUFACTURING    ☐ COMMERCIAL    ☐ PARK/FOREST/OPEN SPACE    ☐ OTHER, specify:

**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.


- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's <a href="#">Waterfront Revitalization Program boundaries</a> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. COMMUNITY FACILITIES:</b> <a href="#">CEQR Technical Manual Chapter 6</a>		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o <b>Early Childhood Programs:</b> Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o <b>Public Schools:</b> Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o <b>Libraries:</b> Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o <b>Health Care Facilities and Fire/Police Protection:</b> Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. OPEN SPACE:</b> <a href="#">CEQR Technical Manual Chapter 7</a>		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the project generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Protection Plan <a href="#">Project Tracking Form</a> , and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the <a href="#">Hazardous Materials Appendix</a> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
(j) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a <a href="#">separately sewered area</a> , would it result in the same or greater development than the amounts listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): <100,000		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs):	see section	
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of <a href="#">Chapter 16</a> for more information.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 114 in <a href="#">Chapter 19</a> ) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



		YES	NO
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <a href="#">Chapter 20</a> , "Public Health." Attach a preliminary analysis, if necessary.			
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>			
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , "Neighborhood Character." Attach a preliminary analysis, if necessary.			
<b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a>			
(a) Would the project's construction activities involve:			
o Construction activities lasting longer than two years?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.			
<b>20. APPLICANT'S CERTIFICATION</b>			
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.			
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.			
APPLICANT/REPRESENTATIVE NAME Elijah Hutchinson		DATE 12/18/2025	
SIGNATURE 			
PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.			

**Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)**

**INSTRUCTIONS:** In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

**Potentially  
Significant  
Adverse Impact**

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.


3. Check determination to be issued by the lead agency:

☐ **Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

TITLE Acting Commissioner	LEAD AGENCY NYC Department of Housing Preservation and Development
NAME Ahmed Tigani	DATE 12/18/2025
SIGNATURE 	



AHMED TIGANI  
Acting Commissioner  
KIM DARGA  
Deputy Commissioner  
RONA REODICA  
Assistant Commissioner

Office of Development  
Division of Building & Land Development  
Services  
100 Gold Street  
New York, N.Y. 10038

December 18, 2025

## NEGATIVE DECLARATION

Intro 994A

**CEQR Number:** 26HPD040Y

**SEQRA Classification:** Unlisted

**Project Location:** Citywide

**Description of the Proposed Action:** The Proposed Action involves a Local Law to be enacted by the City Council which would amend the New York City charter, the Administrative Code of the City of New York, and the New York City Building Code to require building owners or their agents to provide and maintain cooling systems in tenant-occupied residential dwelling units capable of maintaining an indoor air temperature of not less than 68 degrees and not greater than 78 degrees measured at least three feet above the floor and at least three feet from any exterior wall between June 15 and September 15. Article 8 of Subchapter 2 of Chapter 2 of Title 27 of the Administrative Code of the City of New York would be amended by adding a new section, 27-2030, that establishes for the provision of cooling systems. Section 1204.2 of the New York City Building Code would be amended by adding a new section, 1204.2.1, that would establish provisions for air conditioning in dwelling units. The Proposed Action would take effect on June 1, 2030. The Department of Housing Preservation and Development ("HPD") would be the responsible agency for enforcing the Proposed Action.

Specifically, the Proposed Action would:

- Require owners to provide window air conditioning units capable of providing adequate cooling in covered rooms elected by tenants, beginning June 1, 2030 for dwelling units with window-mounted cooling systems;
- Require owners to maintain such systems to provide adequate cooling during the cooling season (June 15 through September 15) for dwelling units with centrally controlled cooling systems;

- Require owners to operate such systems to maintain adequate cooling during the cooling season for dwelling units with owner-controlled cooling systems; *and*
- Provides for tenant elections to receive cooling systems beginning March 1, 2028, and requires owners to provide cooling systems capable of maintaining an indoor air temperature of no greater than 78°F in each elected covered room beginning June 1, 2030.

The Analysis Year for the Proposed Action is 2030.

**Statement of No Significant Effect:**

Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of an EAS dated December 18, 2025, and has determined that the Proposed Action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The above determination is based on the EAS which finds that the Proposed Action would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below:

*Solid Waste and Sanitation Services*

The EAS contains an assessment of Solid Waste and Sanitation Services. The assessment determined that there is likely to be some impact to overall tonnage based on an increase in disposed residential window air conditioners in 2033-2040, at the end of life and disposal of units newly purchased between 2028-2030. Additionally, there is likely to be a greater number of older air conditioners replaced from 2028-2030 and therefore impact the overall tonnage that DSNY collects during this time period. In both of these time periods (2028-2030 and 2033-2040), there is also likely to be an impact on DSNY refrigerant removal operations, which may require additional vehicles and staff.

Because new units purchased between 2028 and 2030 may be disposed of over a concentrated time period, there may be weeks when the additional disposal exceeds 50 tons, particularly at the beginning and end of cooling season, when disposal is most likely to occur. However, Intro 994-A will not likely result in over 50 tons of additional waste on a consistent weekly basis. Finally, because CFC-removal is by appointment, DSNY may strategically distribute CFC-removal appointments to ensure tonnage does not exceed DSNY capacity on any given week. However, if DSNY needs to delay appointments for extended periods, it may result in the illegal dumping of units at the curb, which may result in improper CFC handling and disposal by metal scrappers. To prevent this outcome, DSNY will likely require supplemental staffing and equipment to handle the increased volume of CFC-removal and collection operations.

Given these considerations, the proposed action may have the potential for a solid waste and sanitation services impact. However, DSNY has options for mitigations, including distribution of CFC appointments and additional staff and vehicles for removal and disposal, that may minimize the impact. Therefore, the impact would not be significant.

The EAS is on file with HPD and is available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6 NY CRR Part 617.



12/18/2025

Ahmed Tigani

Date

Acting Commissioner

NYC Department of Housing Preservation and Development

## **PROJECT DESCRIPTION**

### **Introduction**

The proposed action consists of the passage of a proposed local law (Intro. 994-A or the Proposed Action) which would amend the Administrative Code of the City of New York (Administrative Code) and the New York City Building Code (Building Code) in relation to cooling systems in tenant occupied dwellings across all 59 of the City's Community Districts. More specifically, the proposed local law would require owners of all dwelling units (DUs) to ensure that DUs are equipped with one or more cooling systems capable of providing adequate cooling.

Specifically, the Proposed Action would:

- For dwelling units with window-mounted cooling systems: Require owners to provide window air conditioning units capable of providing adequate cooling in covered rooms elected by tenants, beginning June 1, 2030.
- For dwelling units with centrally-controlled cooling systems: Require owners to maintain such systems to provide adequate cooling during the cooling season (June 15 through September 15).
- For dwelling units with owner-controlled cooling systems: Require owners to operate such systems to maintain adequate cooling during the cooling season.
- Provides for tenant elections to receive cooling systems may begin on March 1, 2028, and requires owners to provide cooling systems capable of maintaining an indoor air temperature of no greater than 78°F in each elected covered room beginning June 1, 2030.

### **Background**

New York City experiences some of the highest heat-related health burdens in the United States, driven by rising summer temperatures, increasing frequency and intensity of heat waves, aging building stock, and unequal access to indoor cooling. Extreme heat is the City's deadliest climate hazard, disproportionately affecting older adults, residents with chronic illnesses, communities of color, and households living in older, inefficient buildings. The City's housing stock was not designed to maintain safe indoor temperatures during prolonged periods of extreme heat. As a result, tenants in many dwellings, particularly in rent-regulated units and lower-income neighborhoods, lack access to cooling systems capable of maintaining indoor temperatures within a medically safe range.

Current City law requires owners to provide heating to maintain minimum indoor temperatures (68°F during the day, 62°F at night when outdoor temperatures fall below 55°F) and hot water during the heating season, but no parallel requirement exists for cooling during the cooling season from June 15 through September 15, as defined in the proposed law, even as climate change has made extreme

summer temperatures both more frequent and more hazardous. In recent years, national and international public health guidance has begun to recognize access to cooling as a basic housing safety standard. New York City has similarly advanced a range of heat-adaptation measures, including cooling centers, public education campaigns, and utility assistance programs. However, these measures do not provide protection for households facing extreme indoor heat within their own homes.

To address this gap, Intro. 994-A would amend the Administrative Code and Building Code to require owners of all DUs to ensure that DUs are equipped with one or more cooling systems capable of providing adequate cooling. The Proposed Action defines “adequate cooling” as cooling sufficient to maintain an indoor temperature no greater than 78°F as deemed feasible by technology, measured away from exterior walls and at a standard height, requires owners to provide cooling systems capable of meeting this standard in “covered rooms,” as elected by tenants, beginning June 1, 2030, and includes a carve out based on technological feasibility. A covered room is a room which is known by the owner of such dwelling unit to be used as the primary sleeping place of a permanent occupant of such dwelling unit and detailed in the Proposed Action. The Proposed Action also requires HPD to establish technical requirements for cooling systems and inspection and maintenance obligations by rule,<sup>1</sup> and conduct outreach and education provisions, tenant opt-in procedures, owner-controlled system requirements, and extension criteria for hardship or capital-intensive upgrades.<sup>2</sup>

The Proposed Action reflects a growing recognition that safe indoor temperatures are essential to habitability, public health, and climate resilience. Additionally, when implemented in the context of the New York City Energy Conservation Code, laws that are driving energy efficiency like Local Law 97 of 2019, and federal energy efficiency requirements and the Energy Star program—all programs and requirements that will mitigate increases in energy costs resulting from cooling system operation—the Proposed Action is not expected to exacerbate energy cost burden .

**Summary of Legislative Requirements:** Installation Requirements: owners must provide cooling systems capable of maintaining indoor temperature no greater than 78°F in “covered rooms” (habitable rooms other than kitchens). Tenant Opt-In Procedure: beginning March 1, 2028, tenants may elect to receive cooling by written notice; owners need not install where tenants decline. Inspection Requirements: owners must conduct annual pre-season inspections and provide documentation before June 1. Maintenance Requirements: owners must maintain systems throughout the cooling season (June 15-September 15). Extension Criteria: owners may request extensions based on financial hardship, capital-planning needs, landmark constraints, or electrical infrastructure limitations.

### **Purpose and Need**

The purpose of the Proposed Action is to protect the health and safety of residents by requiring owners of all DUs to ensure that DUs are equipped with one or more cooling systems capable of providing adequate cooling. Extreme heat poses a significant threat to public health in New York City, contributing to preventable illness and death each year. Many of these impacts occur indoors, in

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<sup>1</sup> See Intro. 994-A (b) (4, 5).

<sup>2</sup> See Intro. 994-A (h).

homes without access to adequate cooling. Residents in older, pre-war buildings, public housing, and rent-regulated units face particularly acute risks due to both building conditions and socioeconomic barriers that limit their ability to purchase and operate air-conditioning equipment. As New York City's summers continue to warm due to climate change, the need for reliable indoor cooling will increase. The Proposed Action is a key component of the City's long-term climate-adaptation strategy, ensuring that residential buildings have safe indoor conditions during extreme heat events.

### **Analysis Year**

Under Intro. 994-A, tenant elections to receive cooling systems may begin on March 1, 2028, and owners would be required to provide cooling systems capable of maintaining an indoor air temperature of no greater than 78°F in each elected covered room beginning June 1, 2030. In dwelling units with owner-controlled cooling systems, owners would be required to provide cooling to 78°F. As the first full cooling season during which the law's core operational requirements would apply is Summer 2030, and because the required system installations, owner-controlled cooling obligations, and related inspection and maintenance provisions all commence in or by 2030, the analysis year for environmental review is 2030.

### **Existing Conditions**

At present, the New York City Administrative Code establishes minimum heat and hot water requirements for residential buildings but does not require owners to maintain identified indoor temperatures during the cooling season. No provision of Title 27 of the Administrative Code or the New York City Building Code currently requires owners of dwelling units (DUs) to equip DUs with one or more cooling systems capable of providing adequate cooling or, for DUs with owner-controlled cooling systems, to provide such cooling.

Citywide cooling electricity consumption is expected to remain relatively stable in future decades because gains in appliance and building efficiency will counterbalance increased cooling needs and the anticipated expansion of the housing stock. In 2021, the New York State Energy Research and Development Agency (NYSERDA) published an analysis of the economic, social, energy, and GHG emissions impacts of providing cooling to uncooled residences within New York City (NYSERDA Report), which forecast that federal residential central air condition system efficiency standards have increased over time and state and local energy codes are becoming more stringent, and forecast that electricity consumption for residential cooling under assuming the current rate of cooling remains constant would decrease between now and 2050 in a no action scenario.<sup>3</sup> Even so, residents who cannot afford to operate cooling systems remain at elevated risk of heat-related illness. For households living at or near the poverty line, NYSERDA's analysis indicates that seasonal

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<sup>3</sup> NYSERDA, *Climate Change: Equitable Access to Cooling in New York City*, Report No. 21-27 (July 2021) at 19, 38.



cooling costs can approach or exceed state thresholds.<sup>4</sup> Many tenants in these households already limit air-conditioner use due to cost despite high summertime temperatures.<sup>5</sup>

In summary, existing conditions are characterized by high overall cooling system penetration but persistent disparities in access, affordability, and indoor thermal comfort, with no municipal requirement that owners provide cooling to residents.

### **Future No-Action Conditions**

In the absence of Intro. 994-A, residential building owners would have no obligation to provide cooling systems or to maintain identified indoor temperatures. Cooling access would remain dependent on tenant resources, building infrastructure, and personal choices regarding the use of existing equipment.

As detailed below in the Reasonable Worst Case Development Scenario, statistical modeling based on the 2023 New York City Housing and Vacancy Survey (NYCHVS) and the NYSERDA report conservatively estimates 315,365 rooms would remain without air conditioning under the Future No-Action Conditions. Further, the NYSERDA Report provides insight into how cooling energy use and system impacts would evolve under these conditions. Per-home cooling electricity demand is expected to experience modest increases associated with climate change, although efficiency improvements from appliance replacement and building-system upgrades would offset some of this growth through at least 2045. On a citywide basis, cooling electricity consumption would remain largely stable, since the high baseline rate of AC adoption and normal equipment turnover already shape demand patterns.

Without the proposed law, tenants who lack a cooling system or who cannot afford to operate it would continue to experience disproportionate heat exposure. Patterns of energy insecurity among vulnerable populations would remain unchanged or could worsen, particularly in neighborhoods where residents already face high utility burdens and limited access to heat-mitigation resources.

### **Future With-Action Conditions**

The proposed law would amend the Administrative Code to require owners of tenant-occupied dwellings to provide cooling systems capable of maintaining indoor temperatures at or below 78 degrees Fahrenheit in covered rooms where tenants elect to receive such service, except in DUs with owner-controlled cooling systems, where owners are required to maintain such temperatures for the duration of the cooling season.

Under the With-Action condition, cooling access would expand among households that currently lack air conditioning or cannot afford to purchase. The incremental energy impacts associated with this expansion would be moderated by provisions of Intro. 994-A that require HPD to adopt rules

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<sup>4</sup> NYSERDA Report at 42.

<sup>5</sup> Id. 21-27.

“designed to limit the cost to tenants of operating such units” and operation and maintenance standards.<sup>6</sup> Increasing the citywide cooling system adoption rate from 91 percent to full adoption would raise residential cooling electricity consumption by roughly 8 to 10 percent, and this would translate to only a 1 to 2 percent increase in total consumption annually.<sup>7</sup> The resulting increase in summer peak demand would also be relatively small.<sup>8</sup>

The With-Action condition would also address persistent health and equity issues that are not resolved under the No-Action condition. Guaranteed access to cooling in covered rooms would reduce exposure to extreme indoor temperatures, which the City has identified as a leading environmental health hazard. By standardizing minimum cooling requirements, installation and operation standards,<sup>9</sup> and safety requirements, the law would also reduce the prevalence of poorly maintained, and therefore likely more inefficient, or poorly installed window units, which can increase utility costs and create safety concerns.

Overall, the With-Action condition is expected to improve indoor thermal safety for tenants, especially those who are elderly, medically vulnerable, or economically constrained. It would also reduce disparities in cooling access between income groups and neighborhoods and would align New York City’s housing-quality standards with its climate-resilience objectives.

### **Required Actions and Approvals**

The proposed action is the passage of a local law, Intro. 994-A, which would amend Article 8 of Subchapter 2 of Chapter 2 of Title 27 of the Administrative Code by adding a new Section 27-2030, and would amend Section 1204.2 of the New York City Building Code to establish cooling system requirements in tenant-occupied dwellings.

Because the enactment of a local law is a discretionary action by the New York City Council and the Mayor that would result in new enforceable obligations relating to the operation of cooling systems in residential buildings, the proposed action requires environmental review under the City Environmental Quality Review (CEQR) process.

The lead agency for this environmental review is the New York City Department of Housing, Preservation and Development, which has jurisdiction over the New York City Housing Maintenance Code.

### **Reasonable Worst-Case Development Scenario**

The Reasonable Worst-Case Development Scenario (RWCDs) represents the maximum potential scope and scale of changes anticipated under the Proposed Action by 2030. This analysis uses conservative assumptions to ensure that potential environmental impacts are not understated and serves as the foundation for the technical analyses in this Environmental Assessment Statement.

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<sup>6</sup> Intro. 994-A § (b) (4, 5).

<sup>7</sup> NYSERDA Report at 38.

<sup>8</sup> Id.

<sup>9</sup> See Intro. 994-A § b.4, 5

### Geographic Scope and Baseline Conditions

The New York City Housing and Vacancy Survey (NYCHVS) is a representative survey of the entire housing stock and community-dwelling population conducted about every three years. It is sponsored by the Dept of Housing Preservation and Development (HPD). The 2023 NYCHVS was conducted by the US Census Bureau on behalf of HPD. Details on the sampling methodology are available [here](#)<sup>10</sup> and the full questionnaire (including items on which the measured used in this analysis) is available [here](#),<sup>11</sup> with documentation on the public use file (used for this analysis) available [here](#).<sup>12</sup>

For this analysis, data were limited to renter-occupied units and used the following measures: the type of rental housing, the number of bedrooms in the unit, and whether the household had any functioning air conditioning (either central or one or more removeable unit). These were used to estimate the universe of households that had no air conditioning or no functioning air conditioner at the time of the survey. These estimates appear below in Table 1. Table 2 shows the share of renter occupied units without (functional) air conditioning as a share of the total renter occupied units of that type and size.

Table 1. Total renter-occupied households without any air conditioning or without functional air conditioning, by housing type and number of bedrooms (2023 NYCHVS)

Unit Size	NYCHA	Rent Stabilized	Market	Rent Control	Other Subsidized Rentals	Rental Units
Studio	192	10,631	6,777	0	782	18,383
1 bedroom	6,080	55,227	42,479	1,151	3,775	108,711
2 bedrooms	13,180	32,852	45,861	2,555	2,750	97,199
3 bedrooms	5,320	5,047	15,605	52	761	26,785
4 bedrooms	413	213	3,947	0	0	4,573
5+ bedrooms	592	242	884	0	88	1,806
Total	25,777	104,211	115,554	3,758	8,156	257,456

Table 2. Share of renter occupied units without any air conditioning or without functional air conditioning out of the total renter occupied units of that type and number of bedrooms (2023 NYCHVS)

Unit Size	NYCHA	Rent Stabilized	Market	Rent Control	Other Subsidized Rentals	Rental Units
Studio	5%	12%	10%	0%	14%	11%

<sup>10</sup> United States Census Bureau, 2023 New York City Housing and Vacancy Survey, Sample Design, Weighting, and Error Estimation (May 1, 2024) [2023-nychvs-sample-design-weighting-error-estimation.pdf](#).

<sup>11</sup> Core Questionnaire Survey Cycle 19 (2023) [2023-nychvs-core-questionnaire.pdf](#)

<sup>12</sup> Public Use File User Guide and Codebook Survey Cycle 19 (2023) [Microsoft Word - 2023 NYCHVS PUF User Guide & Codebook](#)

1 bedroom	15%	11%	11%	12%	18%	12%
2 bedrooms	17%	11%	12%	26%	15%	12%
3 bedrooms	14%	7%	7%	1%	14%	8%
4 bedrooms	7%	2%	8%	0%	0%	7%
5+ bedrooms	55%	17%	9%	0%	47%	14%
Total	15%	11%	10%	16%	16%	11%

It is unlikely that every renter household would avail themselves of their option to receive and be charged for a landlord-provided air conditioning unit. In 2023, an estimated 1,225,000 households paid for their own electricity and had a removable air conditioning unit. About 415,000, or 34%, reported limiting the use of their air conditioning because of cost. Forgoing use of air conditioning was correlated with rent burden and energy cost burden, and it is not expected to shift even with the proposed action in place. Households without (functioning) air conditioning are more likely to be rent and energy cost burdened than those with air conditioning.

Therefore, to estimate the number of households likely to opt-in, a probit model was developed to proxy which households would be unlikely to bear the additional rent and utility costs of an owner-purchased air conditioner. The dependent variable was a reverse-coding of renter-occupied households that had one or more functioning removeable air conditioner but reported not using it because of the cost. Thus, the model estimates who would have a removeable unit and be able to afford to use it. Two independent variables served as the predictors of use: the rent-to-income ratio (limited to those who paid rent and reported any income) and the summer utility costs as a ratio of monthly income (limited to those who paid their own utilities and reported utility costs). Based on this statistical model, the predicted probability of using a removeable air conditioner for the entire universe of renter-occupied units was calculated and summed the predicted probability for those units presented in Table 1. The results are shown in Table 3. This conservative model likely overestimates the opt-in because it does not account for any increase in rent burden resulting from the air conditioner and does not factor in any additional utility burden of running the air conditioning that will be borne by the tenant.

Table 3. Estimated number of renter-occupied households currently without any air conditioning or without a functional air conditioner who are predicted to opt-in, based on affordability.

Unit Size	NYCHA	Rent Stabilized	Market	Rent Control	Other Subsidized Rentals	Rental Units
Studio	130	5,040	2,965	736	442	8,577
1 bedroom	2,958	27,209	20,780	1,110	1,891	53,573
2 bedrooms	7,716	17,325	17,957	36	1,479	45,587
3 bedrooms	2,613	2,572	6,346	0	490	12,057
4 bedrooms	269	141	1,772	0	59	2,183
5+ bedrooms	399	164	0	0	0	623

Total	14,085	52,452	49,820	1,883	4,361	122,600
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While estimates from the NYCHVS estimate that 122,600 units will opt-in, a more conservative approach will be taken to analyze the impact of the Proposed Action. To account for the conservative estimation, this analysis factors for not only the number of units that may opt-in, but the maximum number of rooms in the units who may do so. When the number of units is multiplied by the maximum number of rooms, there would be 315,365 potential covered rooms who may receive an air conditioner as a result of the Proposed Action.

While there may be some households with ineffective or undersized window air conditioners or households that do not have window air conditioners in all occupied bedrooms that are physically able to have window air conditioners (Undercooled Units) that may opt-in to receive replacement or additional air conditioners, there is no available data on this subset of residential New Yorkers. However, because the RWCDS is based on very conservative estimates of unairconditioned households that may opt in to the program, any additional air conditioners provided to Undercooled Units reasonably fits within this overly conservative estimate. Residents of Undercooled units may be less likely to opt-in to the program because the cooling they have access to is sufficient to provide comfort, even if doesn't meet the thresholds set in Intro. 994-A, and residents may choose to avoid the burdens imposed by additional electrical costs. Further, the HEAP Cooling Assistance program provided assistance to low income NYC households to purchase 45,403 air conditioners between 2019-2023,<sup>13</sup> and the Get Cool Program that provided 73,000 new air conditioners to certain households in the summer of 2020 during the COVID pandemic,<sup>14</sup> many low income residents of Undercooled Units have recently had access to programs that provided ways to replace poorly operating air conditioners, reducing the total number of Undercooled Units in the City. Further, approximately 415,000 households, or 34%, reported to the NYCHVS that they limited the use of their air conditioning because of cost (see *above*). Foregoing use of air conditioning was correlated with rent burden and energy cost burden. If that substantial cohort of households decline to operate equipment they already own, households with partial coverage—who already experience some cooling benefit—would have even less incentive to incur additional rent and utility costs for marginal improvement. The cost barriers that constrain opt-in among completely uncooled households apply with equal or greater force to undercooled households, who must weigh added expenses against diminishing returns. Supporting this further, according to a June 2025 NYC Comptroller report, 52% of renters have fallen behind on utility payments in a five-year period, and 30% of renters have experienced utility shutoffs. Because data suggests that a substantial share of renters struggle to afford current utility costs, they would be unlikely to voluntarily increase those costs by opting into additional air conditioning equipment.

<sup>13</sup> See Office of Temporary and Disability Assistance, *Monthly Caseload Statistics* (2019-2023) <https://otda.ny.gov/resources/caseload/>.

<sup>14</sup> Lane K, Smalls-Mantey L, Hernández D, Watson S, Jessel S, Jack D, Spaulding L, Olson C., *Extreme Heat and COVID-19 in New York City: An Evaluation of a Large Air Conditioner Distribution Program to Address Compounded Public Health Risks in Summer 2020*, J Urban Health (April 2023) <https://pmc.ncbi.nlm.nih.gov/articles/PMC9910776/>.

For purposes of this conservative analysis, the RWCDs assumes that the Proposed Action will result in the provision of cooling systems to substantially all of the 315,365 rooms identified above. This represents the primary and most quantifiable impact of the legislation. The vast majority of these units will receive window-mounted air conditioning units, as this is the most common and cost-effective compliance method for units that currently lack cooling infrastructure. It is assumed that a small number of units will receive cooling through central system installations or upgrades in buildings with existing HVAC infrastructure or where building owners choose building-wide approaches.

Under the Proposed Action, tenant elections begin March 1, 2028, allowing tenants to elect covered rooms for cooling system installation. Building owners must provide cooling systems in elected rooms by the compliance deadline of June 1, 2030. The RWCDs assumes phased implementation over this 2-year period. This phased approach reflects realistic constraints on installation capacity, supply chain considerations, and landlord compliance behavior, with many property owners waiting until closer to the deadline to undertake installations.

#### *Cost Analysis for Building Owners*

The RWCDs uses NYC Home Energy Assistance Program (HEAP) cost estimates as the baseline for reasonably worst-case costs. HEAP provides air conditioning equipment and installation assistance to income-eligible households. Based on 2024 program data, air conditioning units range from \$300 to \$600 depending on capacity and BTU rating, while professional installation labor ranges from \$100 to \$250. The total per-unit cost is up to \$850 per unit, representing the HEAP maximum allowance including both equipment and installation.

This \$850 figure represents an upper-bound estimate. Actual costs for many property owners will be lower due to several factors. Most residential buildings employ maintenance staff or superintendents who can perform window air conditioner installations as part of their regular duties, substantially reducing or eliminating installation labor costs. This in-house capacity means many landlords will only incur equipment costs of approximately \$300 to \$600 rather than the full \$850 including professional installation. Not all units require maximum-capacity cooling systems; smaller rooms can be adequately cooled with lower-BTU, less expensive units.

The cost analysis excludes costs for central air conditioning system installations or upgrades in the subset of buildings. It is unknown how many buildings with HVAC do not already include air conditioning and presumed that the majority of these builds would have been built after 1970. However, these buildings are unlikely to be rent stabilized. They are therefore more likely to be required to upgrade HVAC systems within the decade to align with LL97 requirements. LL97, and not the proposed action, is therefore anticipated to drive installation and upgrade costs in this subset of buildings.

#### *Cost Recovery Mechanisms*

Building owners have multiple established mechanisms to recover compliance costs.

The legislation structures compliance around tenant election of cooling systems for covered rooms. Beginning March 1, 2028, tenants in dwelling units may elect specific occupied bedrooms and living spaces to receive cooling systems. Building owners must provide cooling systems for elected rooms by June 1, 2030.

For the estimated 315,365 rooms assumed in the RWCDs, tenants who elect covered rooms will receive new cooling systems. For these units, building owners incur both equipment and installation costs.

For dwelling units that currently have some air conditioning, the legislation creates multiple scenarios:

1. Units where existing air conditioning already covers all occupied bedrooms and living spaces required under the legislation may not require any new installations, assuming tenants do not elect to replace tenant-owned equipment with building owner-provided equipment.
2. Units that are insufficiently cooled—where existing air conditioning does not cover all occupied bedrooms and living spaces—may require additional cooling systems if tenants elect coverage in currently uncooled rooms.
3. Units where tenants currently own and operate air conditioning equipment may retain existing tenant-owned equipment to avoid potential rent increases associated with building owner-provided equipment.

The economic incentives for tenant decision-making are complex and vary by building type and utility payment structure:

In rent-stabilized buildings, tenants who elect building owner-provided equipment may face Individual Apartment Increases, which increases rents for the duration of cost recovery. Tenants currently paying for their own equipment and electricity costs may prefer to retain self-provided equipment to avoid IAI increases, particularly if existing equipment is relatively new and efficient.

In market-rate buildings, building owners can increase rents at lease renewal to reflect improvements. Tenants in these buildings face less predictable rent implications but may still prefer to retain self-provided equipment to maintain control over replacement timing and equipment selection.

In buildings where tenants pay their own electricity (individually meters), tenants bear operating costs regardless of equipment ownership. These tenants may be more likely to retain self-provided equipment to avoid potential rent increases with no corresponding reduction in electricity costs.

In buildings with master metering where building owners pay electricity costs; the economic calculus differs. Building owners in master-metered buildings may prefer to provide efficient equipment to reduce aggregate electricity costs, while tenants face no direct electricity cost burden.

Utility and energy efficiency incentive programs provide additional cost mitigation mechanisms. Con Edison and National Grid currently offer rebates for energy-efficient cooling equipment, with typical rebates of \$50 to \$150 per unit for ENERGY STAR equipment, along with programs targeting

affordable housing and multifamily buildings. NYSEDA programs including the Multifamily Buildings Low-Carbon Pathways program target economically disadvantaged areas. The availability and funding levels of these utility incentive programs are subject to change based on utility regulatory proceedings and state energy policy. While current programs could potentially offset a portion of citywide costs, future program availability cannot be guaranteed at the time of compliance deadline in 2030.

The Proposed Action includes provisions allowing building owners to request compliance extensions based on demonstrated financial hardship, need for capital-intensive electrical infrastructure upgrades, building-wide system planning and engineering requirements, or other circumstances to be specified in rules. Specific extension periods will be established in rulemaking. This regulatory flexibility provides building owners with additional time to secure financing, coordinate with capital improvement plans, spread costs over longer timeframes, and access cost recovery mechanisms.

However, this flexibility does not eliminate compliance obligations. Building owners experiencing financial hardship may receive time extensions but ultimately remain subject to cooling system provision requirements. For building owners experiencing persistent financial hardship beyond extension periods, compliance costs could contribute to decisions regarding building sale, particularly in buildings with limited equity, high debt service, or accumulated deferred maintenance. The socioeconomic analysis examines displacement risks in greater detail, including the geographic concentration of buildings likely to experience compliance challenges in Environmental Justice Areas and neighborhoods with high concentrations of uncooled units.

## **TECHNICAL ANALYSIS**

### **Land Use, Zoning and Public Policy**

The proposed action is generic in nature and would apply citywide. Because the legislation establishes a new requirement for cooling systems in tenant-occupied dwellings and does not involve any specific development project, site action, or change to land use or zoning regulations, no land use or zoning analysis is warranted. Implementation and enforcement of the law would occur across the existing built environment, and no changes to permitted land uses, density, or development patterns would result from the proposed action.

Because the proposed legislation applies citywide, including within the City's Waterfront Revitalization Program (WRP) boundary, the action was evaluated for consistency with the City's WRP policies. A WRP Consistency Assessment Form (CAF) has been prepared and is attached to this EAS. The assessment determined that one sub-policy warranted further discussion: Sub-Policy 1.5, which calls for integrating considerations of climate change and sea level rise into the planning and design of waterfront residential and commercial development pursuant to WRP Policy 6.2.



The proposed action supports this sub-policy by addressing a principal climate-change impact that affects the health and safety of waterfront communities. Extreme heat is projected to intensify with climate change, and the lack of cooling access in certain residential buildings contributes to preventable illness during heat waves. By requiring building owners to provide cooling systems capable of maintaining safe indoor temperatures in tenant-elected covered rooms, the proposed legislation strengthens the City's climate-adaptation framework. Improved indoor thermal resilience reduces the severity of heat impacts for residents in waterfront neighborhoods that may also face other climate risks such as sea-level rise and storm surge. In this way, the proposed legislation directly advances Policy 1 and Sub-Policy 1.5 by supporting the ability of existing residential communities to withstand climate-related stressors.

The Proposed Action directly advances PlaNYC Initiative 7 (Reduce Risk from Extreme Weather) and Initiative 13 (Protect Health from Climate Threats). It is consistent with Initiative 1 (Achieve Full Decarbonization) because of existing federal efficiency requirements and state and local energy code requirements, as well as programs incentivizing the installation of heat pumps, which are more efficient than traditional air conditioners. The Proposed Action also supports Initiative 8 (Prepare Neighborhoods for a Changing Climate) through neighborhood-level resilience. The action addresses EJNYC report findings on Exposure to Extreme Heat and Utility Access and Affordability. While the action may have secondary effects on energy consumption (increasing outdoor air emissions from electricity generation) and solid waste (appliance disposal), these impacts are analyzed in relevant technical chapters and do not conflict with overall public policy objectives.

The proposed action would not result in any significant adverse public policy impacts.

### **Socioeconomic Conditions**

As referenced in the Project Description, Intro. 994-A would require landlords to provide cooling systems capable of maintaining indoor temperatures at or below 78°F during warm weather in residential units, except in DUs with owner-controlled cooling systems, where the owner must maintain the indoor temperatures at or below 78°F for the duration of the cooling season. The legislation applies only to residential units, not commercial spaces. The bill includes a phase-in timeline for compliance, with provisions for financial hardship extensions and tenant opt-in mechanisms for individual unit installations.

The CEQR Technical Manual identifies five areas for socioeconomic analysis: direct residential displacement, indirect residential displacement, direct business displacement, indirect business displacement, and adverse effects on specific industries. While guidance suggests that further analysis is not warranted in any of the five sub-areas, because of the breadth of the program, and because guidance in the Technical Manual does not specifically address the program considered by the proposed legislation, and in order to provide a conservative analysis as practicable, the potential for indirect residential displacement or adverse effect on a specific industry militates in favor of further technical analysis.

As it relates to indirect resident displacement, this might occur if an action results in increased rents or operating costs that make housing units unaffordable to existing residents, potentially forcing them to relocate.

To evaluate industry effects, CEQR considers impacts to regulation of an industry, which may substantially reduce or eliminate a category of business, affect conditions that are critical to the operation of a specific category of business, or adversely affect the economic viability of an industry or category of business.

### Indirect Residential Displacement

The lead agency analyzed whether Intro. 994-A, which requires the provision of cooling systems capable of maintaining 78°F in covered rooms or, for owner-controlled cooling systems, the provision of cooling sufficient to maintain 78°F for the duration of the cooling season, could cause indirect residential displacement through increased housing costs. This analysis finds no significant adverse socioeconomic conditions because existing regulatory protections, extended phase-in timelines, and built-in cost reduction measures prevent displacement-inducing rent increases.

In detail, the City's housing stock is comprised of rental and owner-occupied units subject to varying regulatory frameworks. While many buildings constructed before 1974 with more than six units are subject to Rent Stabilization, although exemptions exist. Buildings constructed after 1974 are more likely to have integrated HVAC systems providing both heating and cooling. The diverse nature of New York City's housing stock means that cost recovery mechanisms and tenant protections vary significantly across different building types and ownership structures.

Where central air conditioning systems cannot be installed, the legislation permits landlords to provide individual air conditioning units in residential units. Cost responsibilities for individual units follow the same regulatory framework as central systems, with landlords bearing the capital cost of purchasing and installing units, and tenants responsible for operating costs. The opt-in mechanism gives tenants control over whether to accept individual units, particularly where increased electricity costs may be a concern.

### *Rent-Stabilized Buildings*

These buildings, predominantly constructed before 1974, currently lack central cooling systems and represent the primary population benefiting from this mandate. Cost recovery is strictly regulated under the Rent Stabilization Law as amended by the 2019 Housing Stability and Tenant Protection Act. Both Individual Apartment Improvements (IAIs) and Major Capital Improvements (MCIs) remain available but are subject to significant limitations designed to prevent displacement.

For IAIs (individual unit installations such as window units or mini-splits), the 2019 reforms eliminated permanent rent increases; IAI costs may only be collected for 15 years in rent-stabilized buildings or until the next vacancy, whichever comes first. The rent increase is capped at 1/168th of the total cost (for buildings with 35 or fewer units) or 1/180th (for buildings with 36+ units), collected monthly. For a \$5,000 mini-split installation in a larger building, this translates to \$27.78/month for

up to 15 years, but only if the tenant remains in occupancy—upon vacancy, the IAI increase is removed and cannot be charged to the next tenant.

For MCIs (building-wide central cooling systems), increases are capped at 2% of rent annually for rent-stabilized units, must be amortized over 30 years, and automatically sunset after full cost recovery. All MCI applications require Division of Housing and Community Renewal (DHCR) approval, which verifies that improvements are building-wide, necessary for the operation/maintenance of the building, depreciable under the Internal Revenue Code, and that costs are reasonable. DHCR scrutinizes claimed costs and can reduce approved amounts.

However, if there were instances where affordability was a concern for an individual tenant, that is addressed through the following measures:

- **Opt-In Mechanism:** Existing tenants control timing through 311 requests with 60-day notice periods. This prevents simultaneous citywide cost pressure and allows financially constrained tenants to defer participation. HPD notices, subdivision c(2) explicitly inform tenants that installations "may result in increases to such unit's regulated rent," ensuring informed decision-making.
- **Cost Limitation Requirements:** HPD must establish rules "designed to limit the cost to tenants of operating such units."
- **Tenant Education and Assistance:** Beginning June 2029, HPD provides outreach including "energy saving tips and references to utility assistance programs," creating safety nets for vulnerable populations while promoting efficient cooling use.

#### *Market Rate Residential Buildings*

Market rate residential buildings include all rental buildings under six units regardless of the year those buildings were built and all large buildings built after 1974 except for a proportionally small segment of buildings regulated by HPD or the City through subsidy, tax incentive or other arrangement.

In addition, the large buildings constructed after 1974 are substantially more likely to include HVAC systems to meet modern ventilation and operate more efficiently. The legislation establishes that any unit, including existing systems be able to cool to the designated room to 78°F maximum than requiring new capital installations. For owner-controlled systems, subdivision b-1 places cooling obligations on landlords during the June 15-September 15 cooling season. Cost to tenants would be minimal.

#### Effects on Specific Industry

The cooling systems mandate suggests that a specific industries analysis under CEQR Technical Manual Chapter 5 would be useful in assessing potential impacts in this unique situation. Under the North American Industry Classification System (NAICS), residential property management and leasing constitutes a distinct industry category (NAICS 531110: Lessors of Residential Buildings and Dwellings), as does residential building construction (NAICS 23611). The legislation imposes requirements on businesses operating within these industry categories. However, the regulatory protections, extended compliance timelines, and cost reduction measures described below ensure that the mandate will not substantially reduce employment or impair economic viability in these

industry categories.

The following regulatory mechanisms and compliance flexibilities ensure that costs will not substantially impair the economic viability of individual businesses in these industry categories:

- **Financial Hardship Extensions:** Explicitly allows extensions based on "financial hardship" (to be defined in HPD rules), with 2-year renewable periods. This prevents forced immediate compliance by operators genuinely unable to afford installations.
- **Extended Timeline:** Allows small operators 5 years to plan, save, and potentially secure favorable financing or participate in future government assistance programs.
- **Good Cause Eviction Protection:** While protecting tenants, Good Cause also allows "reasonable" rent increases for capital improvements, ensuring small landlords can recover costs over time without being forced to absorb losses.

Moreover, even with these protections in place, and along with cost-recovery and other financial recoupment measures described above, to the extent that any individual business is nonetheless affected by the action, it still would not reasonably be anticipated to affect the larger property management and lessor business industries described above.

### Conclusion

Based on the analysis, Intro. 994-A will not result in significant adverse socioeconomic impacts.

Comprehensive regulatory protections, including Rent Stabilization Law place limitations on cost recovery, Good Cause Eviction caps on rent increases, and DHCR oversight—prevent indirect residential displacement. The legislation's opt-in mechanism, five-year phase-in timeline, cost limitation requirements, and hardship extension provisions create multiple layers of protection ensuring that cost increases remain modest, manageable, and well below displacement-inducing thresholds. Buildings constructed after 1974 predominantly possess existing HVAC infrastructure, further limiting capital cost impacts.

Real estate ownership does not constitute a "specific industry" under CEQR methodology, as the cooling mandate regulates housing habitability standards of general applicability rather than targeting a discrete economic sector. This approach is consistent with CEQR treatment of comparable building code requirements. Financial hardship extensions and reasonable cost recovery mechanisms ensure that compliance obligations do not threaten the economic viability of property ownership as an activity.

No significant adverse socioeconomic impacts will result from this action.

### **Greenhouse Gas Emissions and Climate Change**

Chapter 18 – “Greenhouse Gas Emissions and Climate Change” of the CEQR Technical Manual does not identify specific greenhouse gas (GHG) emission thresholds beyond which a significant adverse impact should be disclosed. The CEQR guidance is geared toward assessing new development and

does not set forth a detailed methodology for assessing impacts from GHG as a result of citywide legislative changes.

Specifically, the CEQR Technical Manual defines Indirect Emissions as “emissions from purchased electricity and/or steam generated off-site and consumed on-site during a project’s operation,”<sup>15</sup> which would encompass any emissions that result from increased operation of cooling systems. However, a CEQR “GHG consistency assessment focuses on those projects that have the greatest potential to produce GHG emissions that may result in inconsistencies with the GHG reduction goal to a degree considered significant and, correspondingly, have the greatest potential to reduce those emissions through the adoption of project measures and conditions.”<sup>16</sup>

Further, the CEQR Technical Manual continues that “generally, a GHG emissions assessment is typically conducted only for larger projects undergoing an EIS, since these projects have a greater potential to be inconsistent with the City’s GHG reduction goal to a degree considered significant.” The CEQR Technical Manual states that projects likely to have significant GHG emissions impacts large capital projects, the construction of large new developments, or projects that proposes new power generation or significant changes to the City’s solid waste management system.<sup>17</sup> Intro. 994-A does not advance large capital projects, new developments, or new power generation or solid waste infrastructure; does not result in any other potential significant environmental impacts in other impact areas; and does not require the completion of an EIS. Therefore, no further analysis of GHG emissions impacts, as defined by the CEQR Technical Manual guidance, is required.

Regardless, Intro. 994-A is not incompatible with the City’s GHG reduction goals. The City has established climate and clean energy goals, including a commitment to achieving net-zero emissions—reducing citywide GHG emissions by 100%—by 2050, and to helping meet the State’s mandate of zero-emissions electricity set forth in the New York State Climate Leadership and Community Protection Act of 2019. The City is leading by example with even more rapid decarbonization commitments for municipal operations, including a 40% reduction in municipal GHG emissions by 2025 and a 50% reduction by 2030.<sup>18</sup> The City is making progress accomplishing these goals with local legislation that requires building efficiency and electrification, including Local Law 97 of 2019, which is expected to drive significant investment in emissions reductions of 40% by 2030 across covered buildings, and Local Law 154 of 2021, which sets GHG emissions limits on fossil fuel-combusting systems in most new construction, effectively requiring installation of all-electric systems for heating, cooling, hot water, and cooking.<sup>19</sup> However, the City has also committed to protecting New Yorkers from extreme heat by maximizing access to indoor cooling. The City set forth to accomplish this by developing a maximum summer indoor temperature policy to protect all New Yorkers from extreme indoor heat by 2030 and require mandatory cooling requirements for new

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<sup>15</sup> CEQR Technical Manual at 18-4.

<sup>16</sup> *Id.* at 18-6.

<sup>17</sup> *Id.* at 18-6 – 18-7.

<sup>18</sup> New York City Mayor’s Office of Climate and Environmental Justice (MOCEJ), *PowerUp NYC* at 24 (2023), <https://www.nyc.gov/assets/climate/downloads/pdfs/PowerUpNYC.pdf>.

<sup>19</sup> *Id.* at 24.

construction by 2025.<sup>20</sup> City policy must accomplish both goals together. Intro. 994-A is a decisive step forward in advancing access to cooling.

The CEQR Technical Manual recommends that GHG emissions be assessed by “estimate[ing] the emissions for the sources . . . and examine[ing] the project in terms of the qualitative goals for reducing GHG emissions. After the project’s GHG emissions have been examined in terms of such goals, the project’s consistency with the City’s GHG reduction goal may be assessed.”<sup>21</sup>

The RWCDs projected that adding cooling systems to the approximately 315,365 residential housing units in New York City that currently do not have cooling systems would increase future citywide (Zone J) peak demand by 285 MW.<sup>22</sup> Using the electricity coefficient developed for the 2024 New York City Greenhouse Gas Citywide Inventory,<sup>23</sup> which accounts for the carbon intensity of electricity that was consumed within the city during 2024, the most recent year available, Intro. 994-A will result in an annual emissions increase of 140,000 tCO<sub>2</sub>e, assuming 100% residential AC adoption and using the 2024 NYC GHG Inventory electricity grid coefficient. This estimate represents 0.3% of total citywide emissions in 2024. In addition to providing cooling to DUs without air conditioning in existing buildings, Intro. 994-A also requires newly constructed residential buildings have cooling. However, the overwhelming majority of new residential construction incorporates cooling, and therefore Intro. 994-A does not result in significant change from the Future No-Action Conditions.

Additionally, using the 2024 coefficient to determine GHG emissions impacts in 2030 and beyond is a conservative approach, as the City expects new sources of renewable energy to be placed into operation before the date of implementation. Specifically, the Champlain Hudson Power Express transmission line and the Empire Wind I offshore wind project, which will in aggregate bring over 2,000 MW of renewable energy directly into New York City per year, are forecast to come on-line in 2026 and will reduce the carbon intensity of electricity in New York City. The annual emissions impact may continue to reduce over time as cleaner power sources fuel the electricity grid farther into the future.

Additionally, NYSERDA<sup>24</sup> found that expanding cooling to all New York City residents will not have any potential significant GHG emissions impacts.

Projected per-home cooling electricity consumption impacts [and associated indirect GHG emissions] from climate change are largely offset by New York State’s energy efficiency targets, which are implemented by public agencies and through utility programs. A variety of federal, State, and local policies outline prescriptive

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<sup>20</sup> MOCEJ, *PlaNYC* at 29 (2023), <https://www.nyc.gov/assets/climate/downloads/pdfs/PlaNYC-2023-Full-Report.pdf>

<sup>21</sup> *Id.* at 18-9.

<sup>22</sup> *Id.* at 39.

<sup>23</sup> MOCEJ, *NYC Greenhouse Gas Inventories* (2025), <https://www.nyc.gov/content/climate/pages/initiatives/nyc-greenhouse-gas-inventories>. See also MOCEJ, *NYC 2023 Greenhouse Gas Inventory Methodology*, (2025), <https://www.nyc.gov/assets/climate/downloads/pdfs/GHG%20Inventory%20Methodology%202023.pdf>.

<sup>24</sup> Note for the purposes of the analysis NYSERDA’s unit count utilized which is comparable to the number of units identified to be impacted in the NYCHVS.

requirements for NYC residential buildings related to energy efficiency, safety, and other characteristics—and over time improve the energy efficiency of the building stock. Furthermore, energy efficiency incentive programs offered by electric utilities and public organizations encourage the adoption of building technologies with performance above minimum codes and standards. Despite the above, NYC residential cooling electricity costs increase in future years due to projected utility rate increases. Overall citywide residential electricity cooling demand is relatively flat as population growth and climate change offsets energy efficiency gains.<sup>25</sup>

NYSERDA arrived at these finding considering projected climate impacts that include hotter summers and future City population growth.<sup>26</sup>

Intro. 994-A directs rulemaking that will “limit the cost to tenants of operating such units” and operation and maintenance standards for installed cooling systems.<sup>27</sup> New York City has other laws, regulations, and programs to reduce GHG emissions, including for example laws like Local Law 97 of 2019, which requires buildings over 25,000 to reduce GHG emissions; efficiency requirements set forth in the New York City Energy Conservation Code; the New York City Accelerator, a City funded and administered program that works with all buildings to reduce GHG emissions; and J-51, a property tax exemption and abatement for renovating residential apartment buildings, including energy efficiency projects. The expected increase in energy consumption, and resulting GHG emissions, from increased cooling will be addressed by these programs, policies, and laws that will continue to reduce our total energy load.<sup>28</sup>

The CEQR Technical Manual continues to recognize that

GHG emissions are a consequence of global growth and the technologies employed in the global economy. At the local level, the City’s GHG emissions are a function of its growth, its technologies, and its distribution of economic activity. New York City growth and development may contribute to lower per capita GHG emissions over the business-as-usual case by redirecting economic activity to, and capturing development within, higher-density urban areas that may otherwise locate in lower-density, suburban and rural areas, and by doing so in a more energy efficient and transit-oriented fashion. In general, New York City residents consume less energy per capita for transportation purposes than other U.S. citizens because they use mass transit and non-motorized transportation (e.g., walking) at far higher rates, and New York City’s buildings require less energy per capita than those in comparable climates

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<sup>25</sup> Id. at S-6.

<sup>26</sup> Id. at 11-14

<sup>27</sup> Intro. 994-A § b.4, 5.

<sup>28</sup> See, e.g., id. at 38.

because they are configured more vertically, house more people and businesses per square foot, and have shared walls and heating and cooling systems.<sup>29</sup>

Intro. 994-A advances the goal of making residency in dense urban neighborhoods healthier and more comfortable. Because the average size of a New York City residential unit is smaller than in other areas, the volume of air requiring cooling is less, requiring less energy and therefore resulting in fewer GHG emissions.

Because the projected GHG emissions that will result from the implementation of Intro. 994-A will have no significant adverse GHG emissions impacts according to the NYSEDA Report's analysis; cooling systems will be installed within an ecosystem of local and state energy efficiency programs, building performance standards, and policies; and Intro. 994-A will make New York City healthier, safer, and more comfortable for people to live in dense urban environments, it is consistent with the City's GHG reduction goals. Given these considerations, the proposed action will not have the potential for an adverse GHG Emissions impact.

## **Energy**

Chapter 15 – “Energy” of the CEQR Technical Manual does not identify specific energy use thresholds beyond which a significant adverse impact should be disclosed. The CEQR guidance is geared toward assessing new development or energy load or generation sources and does not set forth a detailed methodology for assessing impacts resulting from citywide legislative changes.

The CEQR Technical Manual requires that environmental impact statements “include a discussion of the effects of the proposed project on the use and conservation of energy, if applicable and specific.” However, the CEQR Technical Manual states that “[i]n most cases, a project does not need a detailed energy assessment, but its operational energy consumption is often calculated.”<sup>30</sup> The CEQR Technical Manual continues: “[m]ost often, energy modeling is only appropriate for those projects requiring a GHG assessment in Chapter 18, “Greenhouse Gas Emissions and Climate Change”<sup>31</sup> and “[t]he incremental demand caused by most projects results in incremental supply, and consequently, an individual project’s energy consumption often would not create a significant impact on energy supply. Consequently, a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy.”<sup>32</sup> Because the CEQR guidance is also geared toward assessing new development and does not set forth a detailed methodology for assessing impacts to energy usage as a result of city-wide legislative changes, the guidance provided in Table 15-1 of the CEQR Technical Manual was not used.

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<sup>29</sup> Id. at 18-7 – 18-8.

<sup>30</sup> CEQR Technical Manual at 15-1

<sup>31</sup> Id. at 15-2.

<sup>32</sup> Id. at 15-1.



Additionally, the CEQR Technical Manual only recommends a disclosure and discussion of project effects.<sup>33</sup>

However, NYSERDA<sup>34</sup> did consider energy impacts of providing citywide cooling, forecasting that the energy impacts of Intro. 994-A are not significant. The NYSERDA Report suggests

that increasing residential adoption of AC systems from 91% to 100% will have a modest impact on citywide energy consumption (1–2% of total NYC building consumption over 2020–2050). Similarly, extending access to AC systems for all homes would increase future citywide (Zone J) peak demand by 285 [MW] or approximately 2.2% over NYISO projections for 2035–2050. High-efficiency AC systems with grid-interactive features, as well as statewide energy shifts through State GHG emissions policies, could mitigate these electricity impacts.<sup>35</sup>

It can reasonably be assumed that building owners and unit occupants are no different than other resource-limited consumers and, in an effort to drive down operational costs and utility bills, may explore upgrading existing building systems, individual air conditioning units, and general energy efficiency over time as technology advances, and will operate air conditioners efficiently to reduce costs, including by using City and State-sponsored programs or other systems or measures designed to reach the same cost-lowering conclusion.

In addition to providing cooling systems to DUs without air conditioning in existing buildings, Intro. 994-A also requires newly constructed residential buildings have cooling systems. However, while the overwhelming majority of new residential construction incorporates cooling<sup>36</sup> because of contemporary building code requirements for ventilation, integrated building systems that provide both heating and cooling, and market demand, and therefore Intro. 994-A does not result in significant change from the Future No-Action Conditions.

The CEQR Technical Manual does recommend that project sponsors “consult with the appropriate energy supplier and request confirmation that there would be no problem in providing the additional load and making service connections.”<sup>37</sup> Following this recommendation, the City Council consulted

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<sup>33</sup> CEQR Technical Manual at 15-1 - 15-2.

<sup>34</sup> <sup>34</sup> Note for the purposes of the analysis NYSERDA’s unit count utilized which is comparable to the number of units identified to be impacted in the NYCHVS.

<sup>35</sup> NYSERDA Report at S-6, see also 38, 39. Noting “impacts” as used in the NYSERDA Report does not refer to impacts as defined by CEQR for the purpose of environmental review.

<sup>36</sup> See, e.g., National Association of Home Builders:, Eye on Housing, National Association of Home Builders Economic Research Blog: HVAC in New Construction in 2022 (October 30, 2023), <https://eyeonhousing.org/2023/10/hvac-in-new-construction-in-2022/> (finding that 96% of new single family homes in the mid-Atlantic, which includes New York State, have central air conditioning). See also Urban Green Council, High Hopes for Heat Recovery (May 1, 2024), <https://www.urbangreencouncil.org/high-hopes-for-heat-recovery/> (finding that of large residential buildings covered by Local Law 97, only prewar and postwar residential and mixed residential buildings are cooled with window air conditioners, whereas newer buildings are all cooled with central cooling systems).

<sup>37</sup> Id at 15-3.

with Consolidated Edison, Inc. (Con Edison), the City's electric utility about the potential impacts of Intro. 994-A on the City's electric distribution system. Con Edison responded that it

is investing in the distribution system and is preparing the city for new energy loads. The addition of highly efficient residential AC systems to cool housing units that currently do not have cooling will help address the issue of extreme heat in historically disadvantaged communities. If Int 994 were to become law, Con Edison would welcome the opportunity to engage with our partners in city government for a responsible implementation that keeps energy reliability at the core.<sup>38</sup>

Con Edison identified no specific concerns about the forecast load resulting from implementation of Intro. 994-A related to the capacity of its distribution infrastructure that should impede passage of the bill.

The proposed action would not result in a significant adverse impact on energy consumption citywide.

## **Air Quality**

As described in Chapter 17 – “Air Quality” of the CEQR Technical Manual, an action may result in stationary source air quality impacts when it would (i) create new stationary sources of pollutants that affect the air quality in the surrounding community, such as large new boilers that exhaust pollutants into the air; (ii) introduce new uses that would be affected by emissions from existing fixed facilities, such as locating a new residential building beside an existing power generating station; or (iii) changing the building geometry or topography of an area so that existing fixed facilities begin to adversely affect other existing structures in the area.

The stationary source screening and assessment methodologies outlined in the CEQR Technical Manual are intended to assess the impacts of newly created sources directly introduced by a proposed action. An example of such an action would be the construction of a new tower proposed as a result of discretionary land use approvals or funding. The purpose and need for the proposed action is to provide a pathway for the City's residents have access to adequate cooling during the high heat season. Moreover, because most air conditioning systems are powered by electricity and not fossil fuels,<sup>39</sup> providing cooling does not result in on-site combustion that exacerbates local air pollution, and any natural gas powered HVAC or building or campus scale co-generation system emission points (chimneys, flues, etc.) on existing buildings would remain unchanged as a result of the proposed action when compared to the no-action condition. Therefore, no further analysis of

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<sup>38</sup> Con Edison, Comments On NYC Council Introduction 994- a Bill in Relation to Requiring that Tenant-Occupied Dwellings be Provided with Cooled and Dehumidified Air (Dec. 11, 2025), attached as an Exhibit .

<sup>39</sup> See, e.g., Urban Green Council, High Hopes for Heat Recovery (May 1, 2024), <https://www.urbangreencouncil.org/high-hopes-for-heat-recovery/> (finding that of large residential buildings covered by Local Law 97, only 3,400 postwar buildings are cooled with gas fired absorption water cooled cooling systems, and the rest of the residential buildings, including all recently constructed buildings in the “Energy Code Era” analyzed had electric cooling systems).

stationary source air quality impacts, as defined by the CEQR Technical Manual guidance, is required.

As a result, no significant adverse impacts are anticipated related to air quality.

## **Noise**

Chapter 19 – “Noise” of the CEQR Technical Manual establishes guidance for assessing a new stationary source of noise, pursuant to which no significant adverse impacts related to noise are anticipated. However, because new window or building cooling systems do generate some noise, Intro. 994-A warrants some discussion.

The CEQR Technical Manual provides that no noise assessment is required unless a new source will have a significant impact at distances 1,500 feet beyond the noise source. While the CEQR Technical Manual states that unenclosed cooling or ventilation equipment may cause a noise impact, single room units do not, as a typical window air conditioner typically generates between 50 and 60 decibels of noise. While the legislation may require building owners to provide multiple residential window air conditioning units in one building with cooling, individual window units would be spread across the façade of the building, mitigating their cumulative impact. Certain buildings may comply by installing central cooling systems, rather than in-unit cooling systems. While central cooling systems for large residential buildings may be louder, because of requirements set forth in New York City’s Noise Control Code, Building Code, and New York City Energy Conservation Code, new central systems will most frequently be installed away from public or residential space, such as on the roof or in a side or back yard. In low density parts of the City with low ambient noise, there would be fewer new cooling systems that are smaller in size, and in high density parts of the city with high ambient noise, there would likely be more new cooling systems that have a larger capacity.

Therefore, Intro. 994-A will not directly or foreseeably introduce a substantial stationary source that will have impacts beyond the distance of 1,500 feet from the system.

As a result, no significant adverse impacts are anticipated related to noise.

## **Historic and Cultural Resources**

The CEQR Technical Manual requires analysis of historic and cultural resources when an action would result in the physical loss, destruction, or alteration of all or part of a historic resource; when it would cause changes to the setting or visual prominence of a historic resource; or when it involves ground disturbance in archaeologically sensitive areas. Intro. 994-A does not meet these thresholds because it does not involve demolition, new construction, or ground disturbance that could affect archaeological resources; does not mandate specific exterior modifications to historic buildings; and does not override the existing regulatory framework protecting historic properties. The legislation requires building owners to maintain maximum indoor temperatures, but buildings subject to Landmarks Preservation Commission (LPC) jurisdiction, State Historic Preservation Office (SHPO) review, or other historic preservation regulations must still obtain all required Certificates of Appropriateness and approvals for any exterior work. Most thermal safety measures involve interior

HVAC system upgrades, window-mounted units, and operational changes that do not affect character-defining features or architectural significance, and where exterior work is needed, existing protections remain to prevent adverse impacts to historic resources such as permitting in landmarked districts or buildings.

Pursuant to LPC Rules Section 2-17, seasonal window air-conditioning unit installations in designated landmarks and historic districts are permit-exempt when: (A) installation requires only raising or lowering the sash without removing it; (B) the unit and filler panel are installed within the window frame; (C) support brackets fasten to the window frame or interior side; and (D) if visible from a public thoroughfare, any solid filler panel matches the window frame color. Where these criteria cannot be met, staff-level approval or Commission-level review provides pathways for appropriate installations.

As a result, no significant adverse impacts are anticipated related to historic and cultural resources.

### **Urban Design and Visual Resources**

The CEQR Technical Manual requires urban design and visual resources analysis when a project would result in a change in scale, visual character, or use that is not compatible with surrounding development; when it would obstruct publicly accessible views to visual resources; or when it would result in substantial alteration to the streetscape or visual character of an area. Intro. 994-A does not meet these thresholds because it applies to existing buildings distributed across 3.6 million housing units throughout all five boroughs without altering urban design frameworks such as street patterns, building height and bulk regulations, setbacks, or streetscape elements. The legislation will result in minimal, de-minimis visual changes as compliance measures are implemented, with most work involving interior HVAC upgrades and window-mounted heat pump units—a technology already prevalent in 91% of NYC households. The addition of cooling equipment in the remaining 9% of households will not create a concentrated visual impact in any specific area, alter the visual character of any neighborhood as a whole, or introduce substantially different architectural elements. Optional measures such as exterior shading devices are not mandated and may enhance rather than detract from building appearance, while existing zoning and design review processes continue to apply to any exterior modifications.

As a result, no significant adverse impacts are anticipated related to urban design and visual resources.

### **Natural Resources**

The CEQR Technical Manual requires natural resources analysis when an action would affect wetlands, groundwater or surface water bodies, threatened or endangered species and their habitats, significant fish or wildlife resources, coastal zones and waters, or other ecologically important areas. Intro. 994-A does not meet these thresholds because it regulates indoor temperatures in existing residential buildings without involving any physical site disturbance, ground

excavation, wetland alteration, or impacts to aquatic habitats, forests, wildlife, or protected species. The legislation applies exclusively to existing rental buildings located predominantly in developed areas that do not contain significant natural resources. Most compliance measures involve air-source HVAC equipment that does not require wells, dewatering, groundwater extraction, or subsurface construction. The legislation does not authorize development in coastal zones, riparian corridors, or other ecologically sensitive areas, and refrigerant emissions from HVAC systems are regulated under separate federal, state, and city environmental regulations.

As a result, no significant adverse impacts are anticipated on natural resources.

### **Hazardous Materials**

The CEQR Technical Manual requires hazardous materials analysis when an action would involve ground disturbance on sites where there is potential for soil or groundwater contamination; when it would create new pathways for human or environmental exposure to contamination; or when it would introduce a new vulnerable population to sites with potential contamination. Intro. 994-A does not meet these thresholds because it does not involve subsurface construction, excavation, or activities that could disturb contaminated soil or groundwater; does not authorize new development on potentially contaminated vacant or industrial sites; and applies only to existing residential buildings already in use. While compliance work may encounter asbestos or lead paint in older buildings, these existing conditions subject to comprehensive federal, state, and city regulations (NYC Asbestos Control Program, EPA Lead RRP Rule, OSHA worker protection standards) that apply to all building retrofits regardless of Intro. 994-A and adequately protect workers and the public.

As a result, no significant adverse hazardous materials impacts are anticipated.

### **Public Health**

Consistent with guidance in the CEQR Technical Manual, no public health analysis is warranted.

### **Water and Sewer Infrastructure**

The CEQR Technical Manual requires water and sewer infrastructure analysis when a project would generate water demand or wastewater flows equivalent to 1,000 or more new residents or 250 or more new employees; when it would connect to infrastructure with known capacity limitations; or when it would involve private septic or well systems. Intro. 994A does not meet these thresholds because it does not create new residential units or increase population, does not mandate water-intensive cooling systems, and applies to buildings already connected to city water and sewer infrastructure.

As a result, no significant adverse impacts are anticipated for water and sewer infrastructure.

## **Solid Waste and Sanitation Services**

Chapter 14 – “Solid Waste and Sanitation Services” of the CEQR Technical Manual “determines whether a proposed project would cause a substantial increase in solid waste production that would overburden available waste management capacity or otherwise be inconsistent with the SWMP or with state policy related to the City’s integrated solid waste management system,” defining a substantial amount of solid waste as 50 tons or more per week.<sup>40</sup>

New York City Department of Sanitation (DSNY) is responsible for the removal of chlorofluorocarbons (CFCs) from appliances in the residential waste stream through a CFC-removal program that requires New York City residents make appointments for appliance pick up.<sup>41</sup> Following the removal of the CFC, DSNY marks appliances for collection, removes appliances from the curb or collection point, and disposes of them in the metal recycling stream, as bulk metal items are considered Designated Recycling Materials.<sup>42</sup> Increasing the number of residential window air conditioners would likely increase the number of appliances subject to DSNY CFC-removal, collection, and disposal and have an incremental impact on CFC-removal operations and overall tonnage.

The Future With Action Conditions resulting from passage of Intro. 994-A will require landlords to accept tenant requests for air conditioning. This will increase the number of new air conditioning units in the with-action condition, and removal and replacement of additional units at the end of their useful life. At the end of their useful life, these air conditioning units will be serviced for CFC-removal and collected by the DSNY.<sup>43</sup> Should Intro. 994-A be implemented, purchase of new residential window air conditioners may begin by March 1, 2028 through June 1, 2030. DSNY approximates the useful life of a newly purchased residential window air conditioner as being 5-10 years. Therefore, the majority of these new residential window air conditioners installed between March 1, 2028 and June 1, 2030 will reach the end of useful life beginning in 2033 through 2040.

Therefore, there is likely to be some impact to overall tonnage based on an increase in disposed residential window air conditioners in 2033-2040, at the end of life and disposal of units newly purchased between 2028-2030. Additionally, there is likely to be a greater number of older air conditioners replaced from 2028-2030 and therefore increase the overall tonnage that DSNY collects during this time period. In both of these time periods (2028-2030 and 2033-2040), there is also likely to be an impact on DSNY refrigerant removal operations, which may require additional vehicles and staff. Finally, because new units purchased between 2028 and 2030 may be disposed of over a concentrated time period, there may be weeks when the additional disposal exceeds 50 tons, particularly at the beginning and end of cooling season, when disposal is most likely to occur. However, Intro 994-A will not likely result in over 50 tons of additional waste on a consistent weekly basis. Finally, because CFC-removal is by appointment, DSNY may strategically distribute CFC-

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<sup>40</sup> CEQR Technical Manual at 14-7

<sup>41</sup> DSNY, CFC Removal, <https://www.nyc.gov/site/dsny/collection/get-rid-of/cfc-removal.page>.

<sup>42</sup> Id., CEQR Technical Manual at 14-2.

<sup>43</sup> DSNY, CFC Removal <https://www.nyc.gov/site/dsny/collection/get-rid-of/cfc-removal.page>.

removal appointments to ensure tonnage does not exceed DSNY capacity on any given week. However, to avoid illegal dumping of units at the curb, which may result in improper CFC handling and disposal by metal scrappers, DSNY would likely require supplemental staffing and equipment to handle the increased volume of CFC-removal and collection operations, as appropriate and based on appointments made through the system and observations by agency staff.

Given these considerations, which include distribution of CFC appointments and additional staff and vehicles for removal and disposal, the proposed action would not have the potential for a significant solid waste and sanitation services impact. <sup>444546</sup>

## **Transportation**

The CEQR Technical Manual requires transportation analysis when a project would generate 50 or more peak hour vehicle trip ends (entering and exiting), 200 or more peak hour transit or pedestrian trips, result in a loss of 200 or more parking spaces, or require changes to roadway infrastructure or traffic operations. Intro. 994-A does not meet these thresholds because it applies to existing residential buildings serving the current population without creating new housing units, generating new residents, or changing trip generation patterns. The legislation establishes a maximum indoor temperature requirement but does not create new trip-generating land uses, alter travel behavior, or affect vehicle, transit, pedestrian, or bicycle trips.

As a result, no significant adverse transportation impacts are anticipated.

## **Construction**

The proposed action is not expected to result in significant adverse construction-related impacts. Installation of cooling systems in tenant-occupied dwellings would occur incrementally across the city and would generally involve work of limited scope, such as the placement of room units, sealing and mounting, or equipment upgrades for central systems. Most installation activities would occur within existing building envelopes and would not involve ground disturbance or major structural work.

Because installation would take place on a building-by-building basis over several years, no concentrated geographic area is expected to experience sustained construction activity.

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<sup>44</sup> CEQR Technical Manual at 14-2.

<sup>46</sup> NYSERDA Report at 39.

Construction-related noise, traffic, and air-quality effects would therefore be minimal and dispersed across time and space.

As a result, no significant adverse construction impacts are anticipated.

### **Disadvantaged Communities Analysis**

Effective December 30, 2024, Section 8-0109(4) of the New York State Environmental Conservation Law requires that a determination of significance consider whether the action may cause or increase a disproportionate pollution burden on disadvantaged communities (DACs). On January 29, 2025, the New York State Department of Environmental Conservation (NYSDEC) proposed draft State Environmental Quality Review Act (SEQRA) Amendments to implement this new statutory provision. Therefore, the analysis below is provided to assess the Proposed Project's potential to cause or increase a disproportionate pollution burden on DACs.

The analysis concludes that Proposed Project would not cause or increase a disproportionate burden on DACs. Indeed, the proposed action would materially reduce the existing disproportionate burden that disadvantaged communities currently experience with respect to indoor heat exposure, cooling access, and heat-related health risks. The legislation establishes uniform standards that benefit all communities while addressing documented disparities affecting disadvantaged populations.

### *Methodology*

The 2021 *City Environmental Quality Review (CEQR) Technical Manual* does not yet provide guidance regarding the scope of this analysis. Therefore, this assessment of the effects on DACs considers the Proposed Project's potential impacts as identified pursuant to *CEQR Technical Manual* guidance, as



well as applicable guidance from NYSDEC in determining whether the Proposed Project would result in disproportionate impacts on DACs.<sup>47</sup>

Under the 2019 New York State Climate Leadership and Community Protection Act (Climate Act), disadvantaged communities are defined as "communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households." (NYS Environmental Conservation Law §75-0101)

The Climate Justice Working Group (CJWG) established criteria for identifying DACs using 45 indicators to classify 35% of census tracts across New York State as disadvantaged communities. These indicators include environmental burdens, climate change risk, population characteristics, and health vulnerabilities. The proposed action is evaluated in accordance with the New York State Department of Environmental Conservation's (DEC) interim guidance on the Environmental Justice Siting Law and proposed amendments to 6 NYCRR Part 617.

Because the proposed action is a citywide legislative measure that would apply to all tenant-occupied dwelling units across New York City's 59 Community Districts, the study area for this DAC assessment encompasses the entire City. Unlike site-specific projects where a ½-mile study area is appropriate, Intro. 994-A establishes uniform requirements for residential buildings citywide without geographic distinction or concentration of impacts in any specific location.

The legislation applies to dwelling units distributed throughout all five boroughs, including substantial numbers of units located within or near disadvantaged communities as identified by DEC's Disadvantaged Community Assessment Tool (DACAT). According to the CJWG's classification, significant portions of the Bronx, Upper Manhattan, Central and Eastern Brooklyn, and Southeast Queens contain census tracts designated as disadvantaged communities with comparatively higher environmental burdens and vulnerabilities.

#### *Existing Conditions in Disadvantaged Communities*

Disadvantaged communities in New York City currently experience disproportionate environmental and public health burdens related to extreme heat. As documented in the Environmental Justice Report (EJNYC), neighborhoods with the lowest rates of home air conditioning are predominantly Environmental Justice Areas with high heat vulnerability, concentrated in Central Brooklyn, Upper Manhattan, Southeast Queens, and the Bronx.

Current cooling access disparities are driven by multiple factors:

**Building Infrastructure:** Many buildings in disadvantaged communities are older, pre-war structures with inadequate electrical infrastructure, limited window access, or architectural configurations that make cooling installation difficult or expensive.

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<sup>47</sup> NYSDEC, *State Environmental Quality Review Act (SEQR) Regulatory Revisions*, <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions>, last accessed April 16, 2025

Economic Barriers: Even where cooling systems are present, residents in disadvantaged communities often cannot afford to operate them due to high electricity costs. The NYSERDA Report indicates that seasonal cooling costs can approach or exceed energy-insecurity thresholds for households at or near the poverty line.

Tenure Patterns: Disadvantaged communities have higher concentrations of renter-occupied units where tenants lack the authority or financial means to install cooling systems independently.

Heat Vulnerability: These same communities experience elevated temperatures due to the urban heat island effect, with less tree canopy, more impervious surfaces, and fewer cooling resources compared to wealthier neighborhoods.

Collectively, these conditions create a baseline scenario in which disadvantaged communities experience disproportionately severe indoor heat exposure compared to non-disadvantaged communities.

The analysis identifies direct or indirect impacts that may affect a DAC, including: new noise sources or expansions/modifications of existing noise sources (i.e., noise from operational sources or construction activities); emissions of air pollutants including mobile emissions; wastewater discharges; generation of odors; light pollution; new or modified radiation sources; or new or modified sources of solid waste generation, management, or disposal. The Proposed Project would not result in significant adverse impacts in any of these technical areas, and will not cause or increase the existing pollution burden on DACs.

Moreover, this EAS found that the Proposed Project would not result in significant adverse impacts to any technical area, including socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; energy; greenhouse gas emissions; neighborhood character; land use, zoning, and public policy; shadows; historic and cultural resources; natural resources; hazardous materials; transportation; air quality; noise; public health; and construction.

The Proposed Project's potential effects on DACs are briefly described below, along with an assessment of whether any effects would result in a disproportionate pollution burden on DACs.

By requiring building owners to provide cooling systems capable of maintaining indoor temperatures at or below 78°F in tenant-elected covered rooms, the legislation would:

1. **Eliminate Access Barriers**, The legal requirement shifts the responsibility for providing cooling from tenants (who often lack financial means) to building owners, ensuring that residents in disadvantaged communities have access to functioning cooling equipment regardless of their personal economic circumstances.
2. **Establish Minimum Cooling Capabilities**, The requirement for cooling equipment to be able to cool to 78°F provides a clear, enforceable standard that ensures cooling systems actually maintain safe conditions, rather than merely being present but inadequate or inoperable.
3. **Provide Implementation Flexibility**, The legislation's phased timeline (tenant elections beginning March 1, 2028; compliance required by June 1, 2030) and hardship extension

provisions allow building owners to plan upgrades, pursue available incentives and financing, and coordinate with City and State programs that specifically target low-income communities and multifamily buildings.

4. Reduce Health Disparities, By guaranteeing cooling access to cooling systems for vulnerable populations who are disproportionately located in disadvantaged communities, the legislation seeks to address a pattern of heat-related illness and mortality that disproportionately affects these communities.

#### *Assessment of Disproportionate Pollution Burden*

Pursuant to ECL 88-0109(4) and DEC's interim guidance on EJSL, a determination of whether an action causes or increases a disproportionate pollution burden requires consideration of whether the pollution burden within affected disadvantaged communities is, or would be, significantly greater than that same burden in comparable non-disadvantaged communities.

#### Analysis of Potential for Increased Burden:

The Proposed Project would not cause or increase a disproportionate pollution burden on disadvantaged communities. As described above, the Proposed Project would not have the potential to result in significant adverse impacts in all of the CEQR technical categories. Specifically, the Proposed Project would not generate significant socioeconomic, air quality, noise, GHG emissions, or energy impacts on or in a DAC because in all categories the effects of the project. Not only are these impacts below CEQR thresholds, but the air quality impacts would be negligible.

Any potential increase in electricity consumption and indirect emissions from electricity generation would occur citywide across all neighborhoods in proportion to cooling system installations. The NYSERDA Report projects that increasing residential AC adoption from 91% to 100% would increase citywide electricity consumption by 1-2% annually, with corresponding indirect GHG emissions of approximately 140,000 tCO<sub>2</sub>e annually (0.3% of total citywide emissions in 2024). However, several factors demonstrate that this impact does not constitute a disproportionate pollution burden on disadvantaged communities:

**Grid-Level Emissions:** Indirect emissions from electricity generation occur at power plants located outside of residential neighborhoods, not within the disadvantaged communities themselves. These emissions are distributed across the regional power grid and do not concentrate pollution in the communities where cooling systems are installed.

**Proportional Distribution:** The incremental energy demand would be distributed across all buildings citywide that currently lack cooling systems or that require system upgrades. Because disadvantaged communities represent a subset of affected areas, they would not bear a disproportionate share of incremental demand relative to the overall distribution of uncooled housing units.

**Reduction in Local Pollution Exposure:** The legislation would reduce indoor air quality burdens in disadvantaged communities by providing residents with cooling systems that filter air and maintain sealed environments, rather than relying on open windows that increase exposure to outdoor pollution sources including vehicle emissions, industrial facilities, and particulate matter.

Declining Grid Carbon Intensity: New York's electricity grid is becoming progressively cleaner due to renewable energy mandates under the Climate Act, offshore wind projects, and transmission infrastructure such as the Champlain Hudson Power Express. The carbon intensity of electricity consumed in 2030 and beyond will be substantially lower than the 2024 baseline used for emissions calculations, further reducing any potential burden.

As described herein, the evidence demonstrates that Intro. 994-A reduces rather than increases disparities experienced in disadvantaged communities.

Local Waterfront Revitalization Plan Form

Local Waterfront Revitalization Plan Analysis

### **Policy 1**

**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**

The proposed local law promotes Policy 1 by strengthening baseline habitability and climate

resilience across the City’s existing residential building stock, including in Coastal Zone areas. By requiring owners to provide cooling systems capable of maintaining safe indoor temperatures in tenant-occupied dwellings, the action supports continued residential occupancy and long-term viability of housing in neighborhoods well-suited to residential use, including waterfront communities. This citywide adaptation measure helps ensure that residential areas remain safe and functional under hotter future summers, supporting reinvestment and long-term neighborhood stability.

### **Policy 1.1**

#### **Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.**

The action promotes Policy 1.1 by improving the livability and resilience of residential buildings in Coastal Zone areas, helping maintain these areas as appropriate locations for housing and associated neighborhood services. While the law does not directly cause redevelopment, it advances the policy intent by strengthening minimum housing conditions and climate adaptation capacity in waterfront neighborhoods, supporting their ongoing suitability for residential use.

### **Policy 1.2**

#### **Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.**

The action promotes the goals of Policy 1.2 by supporting healthier, more resilient residential communities in waterfront areas, which contributes to active neighborhood life and supports the broader vitality of waterfront districts. Because the action is regulatory and citywide, it does not directly change site design; however, it does not hinder the incorporation of waterfront-enlivening features and supports continued residential presence that underpins waterfront public activity.

### **Policy 1.3**

#### **Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.**

The proposed action promotes Policy 1.3 by supporting continued safe residential occupancy without requiring new land disturbance or major infrastructure expansion. The law includes installation, maintenance, and safety standards intended to moderate energy impacts, supporting the ability of existing infrastructure to accommodate expanded cooling access over time. By improving habitability through a predictable compliance pathway, the action supports reinvestment and stable building operations in areas already served by housing and utility infrastructure.

### **Policy 1.5**

#### **Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development (pursuant to Policy 6.2).**

The proposed action directly promotes Policy 1.5 by addressing extreme heat—identified as a key climate-change impact affecting health and safety—and by establishing an indoor cooling standard for tenant-occupied dwellings, including those in waterfront areas. Ensuring that covered rooms can be maintained at safe temperatures improves community resilience to climate stressors and supports the long-term habitability of waterfront neighborhoods that may face multiple climate risks.

## **Policy 2**

### **Support water-dependent and industrial uses in coastal areas well-suited to their continued operation.**

The proposed action promotes (and does not hinder) Policy 2 because it is a citywide building-operations requirement that does not displace, restrict, or interfere with water-dependent or industrial uses. It does not introduce land use changes or new development pressures on maritime/industrial areas, and it can improve worker and resident heat safety in adjacent mixed-use contexts without constraining industrial operations.

## **Policy 2.1**

### **Promote water-dependent and industrial uses in SMIA's.**

The action does not alter zoning, land use, or site conditions in Significant Maritime and Industrial Areas (SMIA's). By avoiding physical waterfront changes and focusing on indoor cooling standards for tenant-occupied dwellings citywide, the action does not undermine SMIA objectives and is compatible with continued operation of industrial and maritime uses despite applying to all areas of the City, including SMIA's.

## **Policy 2.2**

### **Encourage a compatible relationship between working waterfront uses, upland development, and natural resources within the ESMIA.**

The proposed action supports compatibility goals by improving indoor thermal safety in existing upland residential areas, including where residential uses may be near working waterfront activities. Despite applying Citywide, including within the ESMIA, the action does not introduce conflicts with maritime operations or natural resources and does not require shoreline modification; therefore it is compatible with ESMIA objectives and does not hinder working waterfront–upland relationships.

## **Policy 2.5**

### **Incorporate climate change and sea level rise into planning and design of waterfront industrial development and infrastructure (pursuant to Policy 6.2).**

While the action is not an industrial development project, it promotes the broader intent of Policy 2.5 by implementing a citywide climate-adaptation requirement responsive to increasing heat risks. It strengthens resilience across the built environment, including waterfront districts where industrial activity and supporting communities coexist, without imposing changes that would hinder industrial infrastructure planning.

## **Policy 3**

### **Promote use of waterways for boating and water-dependent transportation.**

The action does not directly affect boating or water-dependent transportation facilities; however, it promotes (and does not hinder) Policy 3 by improving the resilience and habitability of waterfront communities that support maritime centers and waterfront activity. The action introduces no in-

water work, no restrictions on maritime infrastructure, and no land use changes that would impair access to waterways.

### **Policy 3.5**

#### **In PMAZs, support ongoing maintenance of maritime infrastructure for water-dependent uses.**

Despite applying Citywide, including within PMAZ (if/where residential structures exist), the proposed action is unrelated to maritime infrastructure maintenance and does not impede it. Because it creates no physical or regulatory constraints on PMAZ operations, it is compatible with the continued maintenance and functioning of maritime infrastructure and does not hinder PMAZ policy objectives.

### **Policy 4**

#### **Protect and restore ecological systems within the coastal area.**

The proposed action promotes (and does not hinder) Policy 4 because it does not involve shoreline alteration, land disturbance, fill, excavation, or in-water construction that could degrade ecological systems. By focusing on indoor cooling and building operations, the action avoids direct ecological impacts while supporting climate adaptation that helps communities withstand climate-related stressors without shifting burdens onto natural systems.

### **Policy 4.1**

#### **Protect and restore ecological quality within SNWAs.**

The action does not require any physical work within Special Natural Waterfront Areas (SNWAs) and therefore does not degrade habitats or resources. The citywide cooling requirement is implemented through building-level systems and does not necessitate coastal ecological disturbance, making it compatible with and not hindering SNWA protections.

### **Policy 4.2**

#### **Protect and restore ecological quality within ESMIA.**

The action does not introduce in-water work, land disturbance, or shoreline modification in ESMIAs. It therefore does not adversely affect ecological resources and is compatible with restoration and protection goals for these areas.

### **Policy 4.3**

#### **Protect designated Significant Coastal Fish and Wildlife Habitats.**

Despite applying Citywide, the proposed action does not involve coastal construction or activities that would impact aquatic habitat, water quality, or shoreline conditions. Because it is a regulatory standard for indoor cooling in existing dwellings, it does not interfere with fish and wildlife habitats and is compatible with habitat protection objectives.

### **Policy 4.4**

#### **Identify, remediate and restore ecological functions within RECs.**

Despite applying Citywide, the action does not include restoration components, but it promotes (and does not hinder) Policy 4.4 because it avoids physical impacts to Recognized Ecological

Complexes and does not create new stressors (e.g., shoreline disturbance) that would conflict with remediation or restoration activities.

#### **Policy 4.5**

##### **Protect and restore tidal and freshwater wetlands.**

No wetland disturbance is anticipated because the action does not entail excavation, fill, or construction in or near wetlands. The citywide cooling requirement is implemented within existing buildings, so it is compatible with wetland protection objectives and does not hinder wetland restoration efforts.

#### **Policy 4.7**

##### **Protect vulnerable species and rare ecological communities; design land and water uses to maximize compatibility.**

The action does not change land or water uses and does not introduce new site activities in sensitive areas. Because compliance occurs through indoor cooling systems and related building management, the action avoids impacts to vulnerable species or rare communities and is compatible with protecting these resources.

#### **Policy 4.8**

##### **Maintain and protect living aquatic resources.**

The action does not involve discharges, in-water construction, dredging, or shoreline alterations that could affect aquatic resources. It therefore does not hinder aquatic-resource protection and remains compatible with maintaining healthy coastal waters and ecosystems.

#### **Policy 5**

##### **Protect and improve water quality in the coastal area.**

The proposed action promotes (and does not hinder) Policy 5 because it introduces no new direct or indirect discharges to waterbodies and does not involve construction activities that generate sedimentation, fill, or stormwater impacts. Its implementation is through indoor cooling systems and maintenance standards, which are not expected to adversely affect water quality.

#### **Policy 5.2**

##### **Protect water quality by managing activities that generate nonpoint source pollution.**

The action does not expand impervious surfaces or create new runoff-generating activities. It is a building-operations mandate implemented indoors and therefore does not increase nonpoint source pollution. As such, it is compatible with and does not hinder nonpoint source management goals.

#### **Policy 6.2**

##### **Integrate NYC climate change and sea level rise projections into planning and design of projects in the Coastal Zone.**

The proposed action directly promotes Policy 6.2 by responding to climate-driven increases in extreme heat through a citywide indoor cooling standard for tenant-occupied dwellings. By requiring cooling capacity to maintain safe indoor temperatures during the cooling season, the



action advances climate-resilience planning for Coastal Zone communities and reduces climate-related risks to health and safety. Despite considering climate change in the development of this Proposed Policy, this policy does not directly relate to build features within the floodplain. These are building level changes that will not require additional site changes, and as such, a Policy 6.2 worksheet has not been provided.

## **Policy 7**

### **Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**

The proposed action promotes Policy 7 by improving public health protections during extreme heat events while maintaining—and relying upon—existing regulatory frameworks that govern the installation, operation, and maintenance of cooling systems. The proposed local law establishes a minimum cooling standard for tenant-occupied dwelling units but does not prescribe specific technologies, system types, or system performance standards. As a result, building owners may comply through a range of approaches, including room-based systems or, in some cases, larger or centralized cooling systems.

Where compliance is achieved through the installation or upgrade of larger cooling systems subject to Local Law 77 of 2023 and other applicable provisions of the New York City Administrative Code, Building Code, Mechanical Code, Fire Code, Energy Code, and Health Code, such systems would be required to undergo all applicable plan review, permitting, inspection, and ongoing compliance procedures. Depending on system type and building conditions, this may include Department of Buildings approvals for mechanical equipment, electrical upgrades, structural supports, and code compliance, as well as adherence to refrigerant management, equipment safety, and operational standards.

Cooling towers or other heat-rejection equipment, where utilized, would remain subject to Department of Health and Mental Hygiene (DOHMH) requirements, including registration, routine inspection, maintenance, and water-management plans designed to protect public health and prevent environmental and health risks such as Legionella proliferation. These requirements directly advance the objectives of Policy 7.1 by ensuring that hazardous substances, industrial materials, and system byproducts are properly managed and do not degrade coastal or urban environmental quality.

The proposed action also promotes Policy 7.2, as it does not involve petroleum storage, transfer, or fuel-based cooling systems that would increase the risk of petroleum discharge. Any equipment installed to comply with the cooling mandate would remain subject to existing spill-prevention, materials-handling, and remediation requirements, ensuring that the risk of releases of petroleum products or other hazardous materials is minimized.

Because any larger or centralized cooling systems installed under the proposed rule would be regulated through established DOB, DOHMH, and environmental permitting and oversight mechanisms, the action does not allow unmanaged installation or operation of equipment that could pose risks to public health or the coastal environment. Instead, the proposed action

reinforces existing safeguards while advancing a citywide public-health and climate-adaptation objective. Accordingly, the proposed action promotes Policy 7 and its sub-policies and would not result in environmental degradation or adverse public-health impacts related to hazardous materials or industrial systems.

#### **Policy 7.1**

Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution, and prevent degradation of coastal ecosystems.

The proposed action promotes Policy 7.1 by relying on existing regulatory controls governing the installation, operation, and maintenance of cooling systems used to comply with the indoor cooling mandate. Where larger or centralized cooling systems are installed, such systems would be subject to applicable Department of Buildings and Department of Health and Mental Hygiene permitting, inspection, and operational requirements, including controls related to refrigerants, cooling tower water management, and equipment safety. The proposed action does not authorize unenclosed storage or unmanaged handling of hazardous or industrial materials and does not introduce new waste streams or disposal practices. Accordingly, the action is consistent with Policy 7.1 and does not result in pollution or degradation of coastal or urban environmental resources.

#### **Policy 7.2**

##### **Prevent and remediate discharge of petroleum products.**

The proposed action promotes Policy 7.2 by not introducing petroleum-based cooling systems, fuel storage, or fuel-transfer activities as part of the indoor cooling mandate. Any equipment installed to comply with the proposed law would remain subject to existing spill-prevention, materials-handling, and remediation requirements under applicable City codes and regulations. Because the action does not involve petroleum infrastructure and does not increase the risk of petroleum discharge to land or water, it is consistent with Policy 7.2 and would not adversely affect coastal or environmental resources.

#### **Policy 8**

##### **Provide public access to, from, and along coastal waters.**

The proposed action promotes (and does not hinder) Policy 8 because it does not restrict or eliminate public access routes, waterfront open spaces, or visual corridors. The action is implemented within buildings and does not impose shoreline controls. By improving public health protections during extreme heat, it can also support the usability of waterfront neighborhoods and public spaces without changing access conditions.

#### **Policy 8.1**

##### **Preserve, protect, maintain, and enhance physical, visual, and recreational access to the waterfront.**

The action does not modify waterfront access points, streets, esplanades, or open space design.

There is no physical construction that would reduce public access or visual corridors. Accordingly, the action is compatible with and does not hinder Policy 8.1 objectives.

### **Policy 8.3**

#### **Provide visual access to the waterfront where physically practical.**

The action does not alter building massing, waterfront design, or view corridors. It is a regulatory requirement related to indoor cooling and therefore does not impede visual access to the waterfront and is consistent with Policy 8.3.

### **Policy 8.4**

#### **Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.**

The action does not involve disposition, construction, or changes to publicly owned waterfront land. It therefore does not hinder open space preservation or development and remains compatible with the continued provision of waterfront recreation.

### **Policy 8.5**

#### **Preserve the public interest in and use of lands and waters held in public trust by the State and City.**

The action does not involve changes to public trust lands, waterfront jurisdiction, or the public's legal rights to use such lands and waters. Because it is a citywide housing/health requirement without impacts on public trust resources, it is consistent with and does not hinder Policy 8.5.

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

### A. APPLICANT INFORMATION

Name of Applicant: NYC Housing, Preservation & Development (NYC HPD)

Name of Applicant Representative: Anthony Howard, Director, Environmental Planning, NYC HPD

Address: 100 Gold Street, room 7-A3 New York, NY 10038

Telephone: (212) 863-7106 Email: environmental\_review@hpd.nyc.gov

Project site owner (if different than above): City-wise application - various owners

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

#### 1. Brief description of activity

The proposed action consists of the passage of a proposed local law (Intro. 994-A) which would amend the New York City charter and the administrative code of the City of New York, in relation to cooling systems in tenant occupied dwellings across all 59 of the City's Community Districts. More specifically, the proposed local law would require owners of all dwelling units (DUs) to ensure that DUs are equipped with one or more cooling systems capable of providing adequate cooling.

#### 2. Purpose of activity

The purpose of the Proposed Action is to protect the health and safety of residents by establishing a mandatory minimum cooling standard in tenant-occupied dwellings during the cooling season. Extreme heat poses a significant threat to public health in New York City, contributing to preventable illness and death each year. Many of these impacts occur indoors, in homes without access to adequate cooling. Residents in older, pre-war buildings, public housing, and rent-regulated units face particularly acute risks due to both building conditions and socioeconomic barriers that limit their ability to purchase and operate air-conditioning equipment. As New York City's summers continue to warm due to climate change, the need for reliable indoor cooling will increase. The Proposed Action is a key com

### C. PROJECT LOCATION

Borough: City-wide Tax Block/Lot(s): City-wide

Street Address: N/A

Name of water body (if located on the waterfront): N/A

### D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

#### City Actions/Approvals/Funding

##### City Planning Commission

☐ Yes ☒ No

☐ City Map Amendment

☐ Zoning Map Amendment

☐ Zoning Text Amendment

☐ Site Selection – Public Facility

☐ Housing Plan & Project

☐ Special Permit

(if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: \_\_\_\_\_

☐ Zoning Certification

☐ Zoning Authorizations

☐ Acquisition – Real Property

☐ Disposition – Real Property

☐ Other, explain: \_\_\_\_\_

☐ Concession

☐ UDAAP

☐ Revocable Consent

☐ Franchise

##### Board of Standards and Appeals

☐ Yes ☒ No

☐ Variance (use)

☐ Variance (bulk)

☐ Special Permit

(if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: \_\_\_\_\_

##### Other City Approvals

☒ Legislation

☒ Rulemaking

☐ Construction of Public Facilities

☐ 384 (b) (4) Approval

☐ Other, explain: \_\_\_\_\_

☐ Funding for Construction, specify: \_\_\_\_\_

☐ Policy or Plan, specify: \_\_\_\_\_

☐ Funding of Program, specify: \_\_\_\_\_

☐ Permits, specify: \_\_\_\_\_

#### State Actions/Approvals/Funding

☐ State permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_

☐ Funding for Construction, specify: \_\_\_\_\_

☐ Funding of a Program, specify: \_\_\_\_\_

☐ Other, explain: \_\_\_\_\_

#### Federal Actions/Approvals/Funding

☐ Federal permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_

☐ Funding for Construction, specify: \_\_\_\_\_

☐ Funding of a Program, specify: \_\_\_\_\_

☐ Other, explain: \_\_\_\_\_

Is this being reviewed in conjunction with a [Joint Application for Permits?](#)

☐ Yes

☒ No

## E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☒ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☒ No
3. Is the project located on publicly owned land or receiving public assistance? ☒ Yes ☐ No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) ☒ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) ☒ Yes ☐ No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
  - ☒ Significant Maritime and Industrial Area (SMIA) (2.1)
  - ☒ Special Natural Waterfront Area (SNWA) (4.1)
  - ☒ Priority Maritime Activity Zone (PMAZ) (3.5)
  - ☒ Recognized Ecological Complex (REC) (4.4)
  - ☒ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

## F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
<b>I</b>	<b>Support and facilitate commercial and residential redevelopment in areas well-suited to such development.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
<b>2</b>	<b>Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	<b>Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	<b>Protect and restore the quality and function of ecological systems within the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
<b>5</b>	<b>Protect and improve water quality in the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6</b>	<b>Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i> ) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7</b>	<b>Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8</b>	<b>Provide public access to, from, and along New York City's coastal waters.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9</b>	<b>Protect scenic resources that contribute to the visual quality of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10</b>	<b>Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Elijah Hutchinson

Address: 253 Broadway 14th Floor

Telephone: 9178478316 Email: ehutchinson@cityhall.nyc.gov

Applicant/Agent's Signature: 

Date: 12/18/2025

## Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

### **New York City Department of City Planning**

Waterfront and Open Space Division

120 Broadway, 31<sup>st</sup> Floor

New York, New York 10271

212-720-3696

[wrp@planning.nyc.gov](mailto:wrp@planning.nyc.gov)

[www.nyc.gov/wrp](http://www.nyc.gov/wrp)

### **New York State Department of State**

Office of Planning and Development

Suite 1010

One Commerce Place, 99 Washington Avenue

Albany, New York 12231-0001

518-474-6000

[www.dos.ny.gov/opd/programs/consistency](http://www.dos.ny.gov/opd/programs/consistency)

## Applicant Checklist

- ☒ Copy of original signed NYC Consistency Assessment Form
- ☒ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☒ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at [www.nyc.gov/wrp](http://www.nyc.gov/wrp)

Proposed Local Law

Proposed Int. No. 994-A

By Council Members Restler, Nurse, Joseph, Hudson, Ossé, Krishnan, Avilés, Cabán, Abreu, Hanif, Stevens, Williams, Hanks, Marte, Salaam, Won, Louis, Gutiérrez, Bottcher, De La Rosa, Narcisse, Brannan, Feliz, Ayala, Powers, Gennaro, Schulman and Salamanca (by request of the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to cooling systems in tenant-occupied dwellings

Be it enacted by the Council as follows:

Section 1. The article heading of article 8 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended to read as follows:

## ARTICLE 8

### HEAT, COOLING, AND HOT WATER

§ 2. Article 8 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2030 to read as follows:

§ 27-2030 Provision of cooling systems. a. Definitions. For purposes of this section, the following

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terms have the following meanings:

Adequate cooling. The term “adequate cooling” means cooling sufficient to maintain an indoor air temperature of no greater than 78 degrees Fahrenheit, measured at least 3 feet above the floor and at least 3 feet away from any exterior wall, provided that the department may adjust such requirement by rule if such indoor air temperature is not technologically feasible.

Approved cooling system. The term “approved cooling system” means (i) a non-central cooling system with a cooling capacity of no less than 20 British thermal units per hour for each square foot of floor area within such cooling system’s cooling area or an alternative cooling capacity established by the department by rule consistent with the purposes of this section that has been approved by the department of buildings, where such approval is required pursuant to the New York city building code, provided that the cooling capacity in British thermal units or such other cooling capacity is visible at the front of such cooling system, and provided further that, where such cooling system is installed in a window, such cooling system is installed in compliance with chapter 12 of title 24 of the rules of the city of New York; or (ii) a centrally-supplied cooling system with a cooling capacity designated by the department of buildings by rule that complies with section 1204.2.1 of the building

code and is approved for installation by the department of buildings in accordance with applicable requirements.

British thermal unit. The term "British thermal unit" means the amount of energy needed to heat one pound of water by 1 degree Fahrenheit.

Centrally-supplied cooling system. The term "centrally-supplied cooling system" means a cooling

system that distributes cooled air to more than one dwelling unit from a central location.

City financial assistance. The term "city financial assistance" means any loans, grants, tax exemptions, or tax abatements conveyed or provided by the city other than as-of-right assistance.

Cooling area. The term cooling area means:

1. For a centrally-supplied cooling system, all rooms provided with cooled air from such centrally-supplied cooling system, including hallways, if applicable; and
2. For a non-central cooling system, any room where such cooling system or a component thereof is installed.

Cooling season. The term "cooling season" means June 15 through September 15.

Cooling system. The term "cooling system" means a system or appliance capable of cooling and regulating the air temperature of an indoor space.

Covered dwelling. The term "covered dwelling" means a multiple dwelling or a tenant-occupied 1- or 2-family dwelling, other than a multiple dwelling utilized for emergency temporary housing by or on behalf of the city.

Covered dwelling unit. The term "covered dwelling unit" means a tenant-occupied unit in a covered dwelling.

Covered room. The term “covered room” means a room in a covered dwelling unit which either is known by the owner of such dwelling unit to be used as the primary sleeping place of a permanent occupant of such dwelling unit or is foreseeably used as the primary sleeping place of a permanent occupant of such dwelling unit.

Non-central cooling system. The term “non-central cooling system” means a cooling system other than a centrally-supplied cooling system.

Owner of a covered dwelling unit. The term "owner of a covered dwelling unit" means the owner of the covered dwelling containing such unit, except that:

1. For a covered dwelling unit owned as a condominium, such term means the condominium unit

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owner; and

2. For a covered dwelling unit in a dwelling held in a cooperative form of ownership, such term means the shareholder of record named on the proprietary lease for such unit.

Owner-controlled centrally-supplied cooling system. The term “owner-controlled centrally-supplied cooling system” means a centrally-supplied cooling system in a dwelling where the owner of such dwelling (i) pays for the electricity costs of operating such system and (ii) controls such system’s temperature setpoint.

Permanent non-central cooling system. The term “permanent non-central cooling system” means a non-central cooling system that is a permanent fixture of a covered dwelling.

Rent regulated unit. The term “rent regulated unit” means a dwelling unit required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant

protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control

act of 1962.

b. Provision of approved cooling systems capable of adequate cooling. 1. Beginning June 1, 2030, the

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owner of a covered dwelling unit shall during the cooling season keep such dwelling unit equipped with 1 or more cooling systems capable of providing adequate cooling to each covered room in such dwelling unit, provided that:

(a) The tenant of such dwelling unit has elected, in the manner set forth in subdivision c of this section, to make such covered room subject to the requirements of this paragraph;

(b) Such election has taken effect pursuant to subdivision c of this section; and

(c) If such dwelling unit is a rent regulated unit, the tenant of such dwelling unit has provided consent to any improvements that would be necessary for the owner to reasonably provide adequate cooling and any associated charges in a manner that is consistent with applicable state law and regulations.

2. Beginning June 1, 2030, the owner of a covered dwelling unit which has a centrally-supplied cooling system or a permanent non-central cooling system shall maintain such equipment such that it is capable of providing adequate cooling during the cooling season.

3. For purposes of determining compliance with paragraph 1 of this subdivision, there shall be a rebuttable presumption that an approved cooling system is capable of providing adequate cooling to any covered room within such system's cooling area. The department shall adopt rules consistent with the purposes of this section establishing when and how such a presumption may be overcome.

4. The department shall adopt rules establishing minimum requirements for cooling systems

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furnished pursuant to paragraph 1 of this subdivision. Such requirements shall be designed to limit the cost to tenants of operating such units.

5. The department may adopt rules establishing installation and maintenance standards for cooling systems furnished pursuant to paragraph 1 of this subdivision.

b-1. Cooling provided via owner-controlled cooling systems. During the cooling season of each year beginning in the year 2030, in any covered dwelling in which cooling is provided via an owner-controlled cooling system, the owner of such dwelling shall furnish cooling sufficient to provide each covered room in such dwelling with adequate cooling.

c. Tenant opt-in procedures. 1. Beginning on March 1, 2028, a tenant of a covered dwelling unit may elect to make a covered room in such dwelling unit subject to the requirements of paragraph 1 of subdivision b of this section by making a request in a form and manner designated by the department. Except as otherwise provided in this section, such requirements shall take effect with respect to such covered room 60 days after such tenant makes such election, provided that, if such dwelling unit is a rent regulated unit, such tenant has provided consent pursuant to subparagraph c of paragraph 1 of subdivision b of this section.

2. No later than 10 days after receiving such election from a tenant of a covered dwelling unit, the department shall (i) inform the owner of such dwelling unit of the covered rooms in such unit that will be subject to the requirements of paragraph 1 of subdivision b of this section, and the date on which such requirements shall take effect; and (ii) provide a confirmation notice to such tenant that indicates that, where an owner installs a new cooling system in a rent regulated unit or a building containing such a unit, such installation may result in an increase to such unit's regulated rent, and



that includes information regarding the circumstances under which a tenant may complain of a lack

of adequate cooling and the means by which a tenant may make such a complaint.

d. Notice to tenants. 1. By January 1, 2028, the department shall make available on its website, in

English and each designated citywide language as such term is defined by section 23-1101, a notice to inform tenants of covered dwelling units: (i) that, effective June 1, 2030, owners of covered dwelling units are required to provide certain tenants with cooling systems capable of providing adequate cooling to covered rooms; (ii) that a tenant must elect for this requirement to apply to covered rooms in the covered dwelling unit in which such tenant resides; (iii) of the process by which a tenant may make such an election; (iv) that, where an owner installs a new cooling system in a rent regulated unit or a building containing such a unit, such installation may result in an increase to such unit's regulated rent; and (v) of the circumstances under which a tenant may complain of a lack of adequate cooling and the means by which a tenant may make such a complaint.

2. By no earlier than March 1, 2028 and no later than September 1, 2029, the owner of a covered dwelling shall (i) provide, to the tenants of each covered dwelling unit within such covered dwelling, a copy of the notice published by the department pursuant to paragraph 1 of this subdivision, and (ii) post such notice in a prominent place of such covered dwelling notifying tenants of the requirements of this section in English and the designated citywide languages as such term is defined by section 23-1101.

3. Beginning on March 1, 2028, any lease or renewal lease offered to a tenant or prospective tenant of a covered dwelling unit shall:

(a) Specify the party responsible for paying the electricity costs of operating any cooling system furnished pursuant to paragraph 1 of subdivision b of this section; and

(b) Include a copy of the notice published by the department pursuant to paragraph 1 of this

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subdivision, conspicuously set forth therein, in English and each designated citywide language as such term is defined by section 23-1101.

e. Inspection and Maintenance. Once annually, beginning on June 1, 2031, the owner of a covered dwelling unit subject to the requirements of paragraph 1 of subdivision b of this section shall inspect any cooling system provided pursuant to paragraph 1 of subdivision b of this section to ensure it is capable of providing adequate cooling. Such owner shall maintain records documenting the required inspection, in a form and manner approved by the department.

f. Extensions. 1. The department may grant the owner of a covered dwelling unit an extension of time to comply with the requirements of paragraph 1 of subdivision b of this section where such owner demonstrates that:

(a) Compliance with paragraph 1 of subdivision b of this section by the deadline provided in such paragraph would cause undue hardship, including but not limited to financial hardship, the need to make major capital improvements, the need to make significant electrical upgrades, or designation of such covered dwelling as a landmark, as a landmark site, as an interior landmark, or within a historic district pursuant to chapter 3 of title 25 of the administrative code of the city of New York;

(b) Such owner intends to install a centrally-supplied cooling system or a permanent non-central cooling system in order to comply with the requirements of paragraph 1 of subdivision b of this section and completing such installation by the deadline provided in such paragraph would be impracticable;

(c) Such an extension would provide such owner with additional time to negotiate or renegotiate the terms of city financial assistance provided by the department; or

(d) Such owner meets any other criteria for an extension established by the department by rule based

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upon the practical, financial, or other needs of such owner and provides information required to support such extension as established by the department by rule.

2. Such extensions shall be granted in increments of no more than 2 years, provided that such extensions may be renewed where the department determines that a criterion set forth in paragraph 1 of this subdivision or any rules promulgated thereunder continues to be met.

3. No less than 30 days after providing an extension to an owner of a covered dwelling unit pursuant to this subdivision, the department shall provide notice of such extension to each tenant of such covered dwelling unit who has made an election pursuant to subparagraph (a) of paragraph 1 of subdivision b of this section.

g. Post-enforcement reporting. No later than June 1, 2032, and annually thereafter, the department shall submit to the speaker of the council and publish on its website a report containing at least the following information, disaggregated by council district and neighborhood tabulation area:

1. The number of dwelling units with a covered room subject to the requirements of paragraph 1 of subdivision b of this section based on an election made by the tenant in the manner set forth in subdivision c of this section;

2. Among such dwelling units, the average number of covered rooms per dwelling unit subject to such requirements based on such an election; and

3. The number of complaints received by the department for violations of this section, disaggregated by violation type and the manner in which such violation was resolved.

h. Outreach and education for occupants. Beginning no later than June 1, 2029, the department, in

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collaboration with any other relevant agency, shall provide outreach to tenants regarding the obligations of owners of covered dwelling units under this section. As part of such outreach, the department shall inform tenants about: (i) the circumstances in which it is appropriate to report to the department that the owner has failed to provide an adequate cooling system; (ii) the ability for tenants to opt in to receive a cooling system; (iii) the efficient use of cooling systems; (iv) energy saving tips; and (v) utility assistance programs. The department shall increase its outreach efforts under this paragraph between March 1 and June 1 of each year.

i. Outreach and education for owners. The department, in collaboration with any other relevant agency, shall establish and implement an outreach and education program to inform owners of covered dwellings of their obligations under this section. Such program shall educate such owners about at least the following topics related to compliance with this section:

1. Best practices around for ensuring the energy-efficiency of any cooling system installed for purposes of complying with the requirements of paragraph 1 of subdivision b of this section;

2. Passive cooling and weatherization; and

3. Any government programs, including those involving financial resources and incentives, which are available to such owners to assist in their compliance with the requirements of paragraph 1 of subdivision b of this section.

j. Violations. Notwithstanding any other provision of law, an owner of a covered dwelling unit that violates subdivision b, b-1, d, or e of this section shall be liable for a class C immediately hazardous violation. Notwithstanding any other provision of law to the contrary, the time within which to correct such violation shall be 14 days after service of the notice of violation.

k. Fire escapes. Nothing in this section shall be construed as requiring an owner of a covered dwelling

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unit to install a cooling system that would violate section 1027.7.3 of the fire code.

l. New York city housing authority. Notwithstanding any other provision of this section, for a covered dwelling owned or operated by the New York city housing authority, such housing authority shall be considered compliant with the requirements of this section where: (i) such housing authority prepares, by January 1, 2028, a comprehensive cooling plan, which outlines actions such housing authority is taking to provide adequate cooling for at least one covered room in each covered dwelling unit owned or operated by such housing authority; (ii) such comprehensive cooling plan details the specific initiatives that such housing authority intends to undertake by June 1, 2030, to provide adequate cooling to at least one covered room in at least 25 percent of covered dwelling units owned or operated by such housing authority; (iii) such housing authority revises or updates such comprehensive cooling plan as needed to detail specific initiatives that such housing authority is taking to increase the percentage of covered dwelling units owned or operated by such housing authority that have adequate cooling in at least one covered room and the approximate dates by which such covered dwelling units will have adequate cooling in at least one covered room; (iv) such plan provides that any opt-in requests made under such plan regarding dwelling units owned and operated by the New York city housing authority shall be referred by 311 to such authority under the existing 311 referral process for complaints regarding such properties; (v) such plan takes into consideration the needs of vulnerable populations living in dwelling units owned and operated by the New York city housing authority, such as seniors and people with chronic illness; and (vi) such housing authority consults with the mayor's office of long-term planning and sustainability when preparing the initial version of such comprehensive cooling plan..

§ 4. Section 1204.2 of the New York city building code, as added by local law number 163 for the year

2021, is amended and a new section 1204.2.1 is added to read as follows:

**1204.2 Air conditioning.** Interior spaces intended for human occupancy that are provided with air conditioning shall be provided with active or passive systems that are capable of maintaining 78°F (26°C) at 50-percent relative humidity when the outdoor air temperature is 89°F (32°C) and the coincident wet bulb temperature is 73°F (23°C). Interior spaces without air conditioning shall be provided with mechanical or natural ventilation in compliance with other subsections of this code. Covered dwellings as defined in Section 27-2030 of the Administrative Code must comply with Section 1204.2.1.

**1204.2.1 Air Conditioning in Covered Rooms.** A covered room, as defined in Section 27-2030 of the Administrative Code, shall be provided with active or passive systems that are capable of maintaining a maximum space temperature in accordance with the requirements of ASHRAE 55 and a maximum space relative humidity in accordance with the requirements of ASHRAE 62.1. Interior spaces without air conditioning that are not intended for human occupancy shall be provided with mechanical or natural ventilation in compliance with other subsections of this code.

§ 5. This local law takes effect immediately, except that section four of this local law takes effect on June 1, 2030 and shall apply to applications for construction document approval filed on and after such date.

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**Con Edison Comments On NYC Council Introduction 994- a Bill in Relation to Requiring that  
Tenant-Occupied Dwellings be Provided with Cooled and Dehumidified Air  
December 11, 2025**

Con Edison is providing these comments on NYC Council Introduction 994 (a bill in relation to requiring that tenant-occupied dwellings be provided with cooled or dehumidified air) to the office of NYC Council Member Lincoln Restler.

Con Edison met with NYC Council Member Restler on three separate occasions regarding Int 994. We appreciate the Councilmember's inclusion of Con Edison in the conversation. Con Edison remains steadfast in our focus on providing safe and reliable service and efficiently delivering the nation's most reliable electric service.

Con Ed is investing in the distribution system and is preparing the city for new energy loads. The addition of highly efficient residential AC systems to cool housing units that currently do not have cooling will help address the issue of extreme heat in historically disadvantaged communities. If Int 994 were to become law, Con Edison would welcome the opportunity to engage with our partners in city government for a responsible implementation that keeps energy reliability at the core.