

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION JOINTLY WITH THE
SUBCOMMITTEE ON CAPITAL
BUDGET

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April 5, 2021
Start: 11:03 a.m.
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HELD AT: Remote Hearing, Virtual Room 2

B E F O R E: Costa G. Constantinides
Chairperson

Helen K. Rosenthal
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides
Darma V. Diaz
James F. Gennaro
Stephen T. Levin
Carlos Menchaca
Eric A. Ulrich

Helen K. Rosenthal
Adrienne E. Adams
Vanessa L. Gibson
Barry S. Grodenchik
Steven Matteo

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

Melanie La Rocca
Commissioner
Department of Buildings

Gina Bocra
Chief Sustainability Officer
Department of Buildings

Anthony Fiore
Chief Energy Management Officer and
Deputy Commissioner of Energy Management
Department of Citywide Administrative
Services

Marcia Annenberg

Josephine Zurica

Pete Sikora

Adam Roberts

Carlos Castell Croke

Lynda Nguyen

Danielle Manley

Sonal Jessel

Nella Pineda-Marcon

Carlos Garcia

Jade Lozada

Ryan Monell

Alex Shapanka

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 4
WITH THE SUBCOMMITTEE ON CAPITAL BUDGET

2 SERGEANT AT ARMS SADOWSKY: PC recording
3 has started.

4 SERGEANT AT ARMS BIONDO: Cloud has
5 begun.

6 SERGEANT AT ARMS PEREZ: Backup is
7 rolling.

8 SERGEANT AT ARMS HOPE: Thank you.
9 Sergeant Polite, you may begin with your opening
10 statement.

11 SERGEANT AT ARMS POLITE: Thank you.
12 Good morning and welcome to the remote hearing on
13 Environmental Protection jointly with the
14 Subcommittee on Capital Budget. Will council members
15 and staff please turn on your video at this time.
16 Thank you. To minimize disruptions, please place all
17 cell phones and electronics to vibrate. You may send
18 your testimony to testimony@council.nyc.gov. Once
19 again, that's testimony@council.nyc.gov. Chairs, we
20 are ready to begin.

21 CHAIRPERSON CONSTANTINIDES: Does Samara
22 go first [inaudible]?

23 COMMITTEE COUNSEL: Ah, I go first. Um,
24 thank you. I'm Samara Swanston, counsel to the
25 Environmental Protection Committee of the New York

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 5
2 THE SUBCOMMITTEE ON CAPITAL BUDGET

3 City Council. Welcome to this joint hearing between
4 the Environmental Protection Committee and Capital
5 Budget Subcommittee. Before we begin, I'd like to
6 remind everyone that you'll be on mute until you're
7 called on to testify, when you'll be unmuted by the
8 host. I'll be calling on panelists to testify.

9 Please be aware that there could be a delay in muting
10 and unmuting, so please be patient. Please listen
11 for your name to be called. I will be periodically
12 announcing who the next panelists are. We will begin
13 with testimony from the administration, which will be
14 followed by testimony from members of the public.

15 During the hearing if council members would like to
16 ask a question please use the Zoom raise hand
17 function and I will call on you in order. We will be
18 limiting council member questions to four minutes,
19 including responses. I will call on you when it's
20 your turn to speak. During the hearing if council
21 members would like to ask a question please use the
22 Zoom hand raise function and again I'll call on you
23 in order. I'll now hand it off to Council, ah, Chair
24 Constantinides, who will begin with his opening.

25 CHAIRPERSON CONSTANTINIDES: Thank you,
Samara. And, and happy Earth Month everyone. I know

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 6
2 THE SUBCOMMITTEE ON CAPITAL BUDGET

3 Earth Day is not for a few weeks, but we should claim
4 the entire money as Earth Month 'cause we don't have
5 the time any longer, ah, to just limit our actions to
6 one day. Ah, so, good morning. Ah, my name Costa
7 Constantinides. I am chair of the Committee on
8 Environmental Protection and today we will hold an
9 oversight hearing jointly with the Capital Budget
10 Committee on Local Law 97, part of the Climate
11 Mobilization Act and its implementation, along with
12 preconsidered Introduction LS-17080 in relationship
13 to city's, ah, reduction in greenhouse gas emissions.
14 Local Law 97, passed almost two years ago now,
15 represents the single largest carbon reduction effort
16 that any city anywhere has ever put forward. It will
17 result in the equivalent of taking more than a
18 million cars off the road by 2030 once compliance
19 starts. It also creates tens of thousands of good
20 jobs for New Yorkers that need them the most,
21 according to multiple independent studies. As
22 everyone knows, Local Law 97 passed as part of a
23 package of bills collectively known as the Climate
24 Mobilization Act. We chose this name because these
25 bills merely representing the beginning and not the
end of the city's response to the climate crisis.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 7
THE SUBCOMMITTEE ON CAPITAL BUDGET

2 It's up to all of us, the public and private alike,
3 to do our part to create a more sustainable city.

4 Today, however, we must focus on city government's
5 response to the framework created by this

6 groundbreaking law. As part of Local Law 97, the law
7 created Office of Building Energy and Emissions

8 Performance, which is longer than my last name, and
9 thus that's why we call it OBEEP, which is passed

10 with implementing the law. Separately, ah, the

11 administration pledged to increase the budget of the

12 Retrofit Accelerate, committing to additional 30

13 million dollars to their budget in the latest, last

14 fiscal year. Concerns have been raised, however,

15 that this amount is not enough and that whether the

16 Accelerator will be able to serve enough buildings by

17 the 2030 deadline. As my colleague, ah, Chair

18 Rosenthal will address in more detail, we must

19 examine our capital plan to meet the challenges

20 ahead. The, the 20, the fiscal 2021 through 2025

21 preliminary capital commit plan includes 1.37 billion

22 for projects related to energy efficiency and

23 sustainability, while the 10-year capital strategy

24 includes 5.4 billion for miscellaneous energy and

25 sustainability projects. Despite the administration

3 including a large amount of funding towards energy
4 efficiency and sustainability, in both the
5 preliminary capital commitment plan and the 10-year
6 strategy it is unclear whether these projects will
7 directly support the city's efforts to comply with
8 Local Law 97, and whether the funding is sufficient
9 to meet the aggressive emissions targets set forth by
10 the bill for city buildings. If Local Law 97's
11 emission goals emission goals are met, it will
12 represent a reduction of approximately 17 million
13 tons of CO2 from a 2005 baseline by 2030, the
14 equivalent of removing 3.6 million cars from the road
15 for a year per year. Analysis suggests that
16 retrofitting all 50,000 buildings covered by Local
17 Law 97 by 2030 would generate nearly 25 billion
18 dollars economic activity and potentially reduce
19 energy consumption costs in retrofitted buildings by
20 up to 30%. Proper implementation of the local law
21 will not only put New York City on track to meet its
22 climate commitments, but significantly reduce local
23 emissions to the benefit of public health. On a
24 final and, and more bittersweet note, ah, this is
25 going to be my last hearing as chair of the
Environmental Protection Committee. Ah, I have been

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 9
2 THE SUBCOMMITTEE ON CAPITAL BUDGET

3 a member of this committee since 2008, so that is 13
4 years, ah, first as a staff member to Council Member
5 James Gennaro, who is the former chair and my
6 political mentor, ah, then as a member of the
7 committee once I was elected under Chair Donovan
8 Richards, now our Queensboro president, and then in
9 June of 2015 I took over as chair. And, you know, in
10 the five years plus that I've been chair we've passed
11 58 bills out of this committee, including the Front
12 the Shut Door Bill, geothermal and [inaudible]
13 legislation, comprehensive environmental protection,
14 ah, environmental justice protections, and of course
15 the Climate Mobilization Act, and the Renewable
16 Riker's Act. This committee has a record that all of
17 us on the council can look back with on pride and I'm
18 profoundly honored to have the opportunity to
19 shepherd so many bills, championed by so many amazing
20 public servants, like my cochair and my sister, Helen
21 Rosenthal. Ah, I've had wonderful speakers, ah,
22 Melissa Mark-Viverito and definitely our current
23 speaker and my great friend and brother, Corey
24 Johnson, ah, and others. And really the main public
25 servants here are the staff and really from the
bottom of my heart I really want to thank, ah, I

3 always thank them, but I really want to thank them
4 from the bottom of my hear. We've done so much great
5 work together. You've become my friends and my
6 family, and I'm so proud of the work that we've done
7 together, and I look forward to seeing you person
8 'cause I kind of feel like I'm sneaking out the back
9 door this way. But, um, Samara, Samara Swanston,
10 our, our attorney who has been my friend for 13
11 years, thank you for honoring me with your friendship
12 and your great work. Ah, Nadia Johnson, thank you
13 for being such an amazing policy analyst and a great
14 friend. Ah, Ricky Charla, I've know you a long time.
15 Ah, and in political and out of government, thank
16 you, Ricky. And, and Jonathan Seltzer, our finance
17 analyst, thank you, Jonathan for, for putting with me
18 every budget cycle and for all the great work that
19 you do as an amazing public servants. And of course
20 ah, I'd be remiss if I didn't talk about Nick
21 Lozowski, who I met, ah, as an intern for Jim
22 Gennaro. Ah, he's, you know, we've been friends for
23 over a decade. Ah, he's worked with every piece of
24 legislation that we've passed, all 44 bills that I've
25 done. Um, he's been an amazing public servant in his
own right and, you know, I'm very lucky to have had

3 him as part of my staff and part of my family. Um,
4 so thank you, Nick. And really thank you to
5 everyone, the Sergeant at Arms and everyone who puts
6 these hearings together. You are what make the City
7 Council go. You all are what make, gives me optimism
8 for the future, all of the hard work that each and
9 every one of the amazing public servants do. So with
10 that I'll hear testimony from the administration.
11 Oh, first I'll pass it over to my cochair, ah, my
12 great friend and colleague, ah, Helen Rosenthal.

13 CHAIRPERSON ROSENTHAL: Thank you so
14 much, Chair Constantinides. That was incredibly
15 generous, um, and, and well deserved gratitude all
16 around. Um, that was wonderful to be a fly on the
17 wall hearing that. Um, I'm Council Member Helen
18 Rosenthal, chair of the Subcommittee on the Capital
19 Budget. Today's oversight hearing is on the
20 implementation of Local Law 97, which is the
21 cornerstone of the landmark 2019 New York City
22 Climate Mobilization Act. And before I speak to the
23 specifics of the law or the challenges of realizing
24 it's vital prominence, I want to acknowledge the
25 courage of its sponsors, Chair Constantinides. Since
we were sworn in as council members together in 2014

3 Chair Constantinides has led our council's fight
4 against climate change and has made New York City a
5 leader in confronting its challenges and seizing on
6 its opportunities with urgency. He's been driven by
7 a clear moral vision and has had to overcome well-
8 organized opposition to his bold ideas. I was sorry
9 to learn that he will be retiring later this week and
10 believe that today may be his final hearing at the
11 council. So I want to take this opportunity to thank
12 him for all of his hard work, not only in my capacity
13 as his colleague, but as a New Yorker. You will be
14 missed, Chair Constantinides. Local Law 97 creates
15 emission reduction standards for most buildings
16 larger than 25,000 square feet, roughly 50,000
17 residential and commercial properties across New York
18 City. These caps start in 2024 and will become more
19 stringent over time, eventually reducing emissions by
20 80% by 2050. The law also mandates portfolio
21 emissions reduction targets for city buildings
22 starting in 2025 and NYCHA buildings starting in
23 2030. A great bill is only as strong as the efforts
24 to implement it, so we need today's hearing to do a
25 better understanding of what the city is doing, both
with pending rule-making and with strategic capital

3 investments in city and NYCHA buildings to improve
4 their emissions performance as is required by the
5 law. In my capacity as chair of the Committee on
6 Capital Budget I'm especially focused on efficient
7 and transparent capital project delivery. It's
8 unacceptable when our public capital budget documents
9 fail to clearly convey the scope and purpose of our
10 city's capital spending, budget line by line. This
11 is especially the case with the reporting of so-
12 called energy efficient and sustainability projects.
13 I should put air quotes around that, because those
14 are the words that are used in the official budget
15 documents, where we really don't know what the
16 specific investments are or the projected emission
17 reduction we might expect as a result. How can we
18 set an example to private landlords who we're
19 requiring to meet these standards faster on how to
20 reduce building emissions without better articulating
21 how we're going to do it for our own buildings. I'm
22 excited today that we'll be hearing my preconsidered
23 Introduction, which will strengthen reporting on
24 progress towards Local Law 97 goals for city and
25 NYCHA buildings. Specifically, the bill would
require that the carbon dioxide equivalent emission

3 annual inventory reports already required by the law
4 additionally include a list of current and future
5 capital projects intended to reduce emissions from
6 city government operations and NYCHA pursuant to the
7 Climate Mobilization Act, and for each project an
8 estimate of the associated expected emission
9 reductions resulting from such project, a project
10 timeline, the total project budget for the project,
11 sorry, the total projected budget for the project,
12 and the schedule of planned commitments, and an
13 estimate of the date by which the respective
14 portfolio emissions reduction mandate will be
15 achieved. My bill also require that until the
16 emission reductions required of city government,
17 operations, and NYCHA are achieved each capital
18 project set forth in the capital commitment plan that
19 is intended to reduce emissions in accordance with
20 the mandates shall be so designated therein. And
21 with that I turn it back to Chair Constantinides.
22 Thank you.

23 CHAIRPERSON CONSTANTINIDES: Thank you,
24 Chair Rosenthal. I really thank you for that very
25 generous and [inaudible]. You're my friend and my
sister. Thank you.

3 COMMITTEE COUNSEL: And now I'll deliver
4 the oath to the administration, and I will call on
5 each of you to individually record your answers to be
6 followed by your testimony. Please raise your right
7 hands. First, Commissioner Melanie La Rocca. Do you
8 affirm to tell the truth, the whole truth, and
9 nothing but the truth before this committee and to
10 respond honestly to council member questions?

11 COMMISSIONER LA ROCCA: Yes.

12 COMMITTEE COUNSEL: Thank you. Um, and
13 now Gina Bocra, DOB chief sustainability officer. Do
14 you affirm to tell the truth, the whole truth, and
15 nothing but the truth before this committee and to
16 respond honestly to council member questions?

17 CHIEF SUSTAINABILITY OFFICER BOCRA: I
18 do.

19 COMMITTEE COUNSEL: Thank you. And
20 finally, ah, Anthony Fiore, DCAS, deputy commissioner
21 of energy management. Anthony, do you swear or
22 affirm to tell the truth, the whole truth, and
23 nothing but the truth before this committee and to
24 respond honestly to the council member questions?

25 DEPUTY COMMISSIONER FIORE: Good morning,
Samara. I do.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 16
2 THE SUBCOMMITTEE ON CAPITAL BUDGET

3 COMMITTEE COUNSEL: Good morning. Thank
4 you. You may begin your testimony when ready.

5 CHAIRPERSON CONSTANTINIDES: Can I just,
6 before anyone begins their testimony I need to
7 recognize that council members have joined the
8 committee hearing. Thank you, Samara. Um, Council
9 Member Menchaca from Brooklyn, Council Member Gennaro
10 from Queens, ah, Council Member Adams from Queens,
11 Council Member Brooks-Powers from Queens, and Council
12 Member Grodenchik from Queens. So Queens is in the
13 house today. Thank you.

14 COMMISSIONER LA ROCCA: Good morning,
15 Chair Constantinides, Chair Rosenthal, and members of
16 the Committee on Environmental Protection and
17 Subcommittee on Capital Budget. I am Melanie La
18 Rocca, commissioner of the New York City Department
19 of Buildings, and I am joined today by Gina Bocra,
20 the department's chief sustainability officer, as
21 well as Anthony Fiore, chief energy management
22 officer for the city and deputy commissioner for
23 energy management from the Department of Citywide
24 Administrative Services. Collectively, we are
25 pleased to be here to discuss the city's
implementation of Local Law 97. Thank you for

3 holding this important hearing today. We have Earth
4 Day just around the corner. It's a good reminder of
5 the work that still needs to be done to tackle global
6 warming. I would also like to thank the chair, ah,
7 Chair Constantinides, for being a great partner in
8 the fight against climate change and to ad lib
9 for a minute I'd like to thank the chair for being a
10 overall great person to work with, ah, over the
11 course of my tenure here at the department, ah, and,
12 ah, certainly before. Um, we will be, ah, the city
13 as a whole will be at a loss without you. I think
14 you've been a great steward of good legislation, ah,
15 for a great cause. So thank you, Chair. Ah, back to
16 my testimony. Sorry for that.

17 CHAIRPERSON CONSTANTINIDES: OK.

18 COMMISSIONER LA ROCCA: Ah, Local Law 97,
19 which is a part of the historic Climate Mobilization
20 Act passed by this City Council in 2019 requires the
21 city's largest buildings to reduce their greenhouse
22 gas emissions starting in 2024. Buildings are the
23 largest source of greenhouse gas emission in the
24 city, ah, and this law supports the city's goal of
25 achieving carbon neutrality. While 2024 is still a
few years away the department has already started its

3 work to fulfill its obligation to address greenhouse
4 gas emissions coming from buildings. The department
5 established the Climate Advisory Board in late 2019,
6 which includes appointments made by both the mayor
7 and the speaker of the New York City Council, and,
8 ah, this board is chaired by our chief sustainability
9 officer. The advisory board is tasked with providing
10 the department with guidance as it works to implement
11 Local Law 97. Members are architects, engineers,
12 property owners, representatives from the business
13 sector, and public utilities, as well as
14 environmental justice advocates and tenant advocates.
15 Last year to supplement the work of the advisory
16 board we established eight climate working groups,
17 many of which have already, ah, started to meet to
18 help develop best practices for building owners to
19 comply with Local Law 97. To date the advisory board
20 and working groups have met over a hundred times, and
21 we will continue to meet weekly throughout the rest
22 of this year. I want to thank the advisory board and
23 working group members for their important
24 contributions to this initiative, ah, to date. Thank
25 you. Um, while the department's primary focus has
been the advisory board and working group process,

3 we've also started promulgating rules which must be
4 in place before 2023. This includes rules that allow
5 the owners of covered buildings that are
6 significantly over their emission limits and owners
7 for, ah, not-for-profit hospitals and healthcare
8 facilities to apply to the department for an
9 adjustment to their applicable emissions limits. The
10 rules are now final and will go into effect shortly,
11 which will allow the department to begin accepting
12 applications for the adjustments program as early as
13 next week. The department has already begun
14 conducting direct outreach to owners who could take
15 advantage of this program, which includes sharing
16 information about the adjustments program and how to
17 apply. The department is also educating building
18 owners of their obligation under Local Law 97 and
19 will continue to work to educate owners leading up to
20 2024. To date the department has updated its website
21 to provide information to owners about the
22 requirements of Local Law 97 and has established a
23 dedicated email addressed to field inquiries from
24 owners. We're using the inquiries we receive to
25 develop additional resources we can use to educate
owners, which will include a website dedicated to

3 Local Law 97. We are also informing new building
4 applicants of their obligations under this law when
5 they submit plans to the department so that they can
6 start planning to reduce greenhouse gas emissions
7 from the very beginning of their construction
8 projects. This work will continue through 2024 and
9 beyond as the department makes additional progress in
10 its implementation of Local Law 97. Moreover, the
11 city continues to lead the way. Local Law 97
12 requires city government to go further and faster
13 than the private sector. City government is required
14 to achieve a 40% reduction in emissions by 2025 and a
15 50% reduction in emissions by 2030. In contrast,
16 [inaudible] private sector compliance is expected to
17 yield 40% reduction by 2030. DCAS serves as a
18 central hub for energy management across all city
19 agencies and manages a 3 billion 10-year capital plan
20 to develop and implement programs to achieve the
21 city's long-term 80% emission reduction mandate and
22 carbon neutrality goal by 2050. Since 2014 DCAS has
23 invested more than 600 million in approximately 8000
24 energy conservation measures across 1600 buildings,
25 comprising, ah, more than 50% of the city's buildings
square footage. By all measure, these investments

3 are paying off. The investments have decreased
4 energy use by about 2.3 million, ah, or about as much
5 as energy as used by 188,000 city residences, avoided
6 more than 80 million in annual energy cost, and
7 reduced emissions by about 220 metric tons, the
8 equivalent of removing 48,000 cars from the road.
9 All said, city government has reduced greenhouse gas
10 emissions by 23%, compared to 15% for the private
11 sector, and is on its way to achieving both the near-
12 term mandates of Local Law 97 as well as the long-
13 term reductions climate scientists, ah, science tells
14 us are required to avoid the most catastrophic
15 impacts of climate change. With that, I thank you
16 again for the opportunity to testify before you today
17 and we would certainly welcome any questions you may
18 have.

18 CHAIRPERSON CONSTANTINIDES: Thank you,
19 Commissioner La Rocca and it's been a pleasure to
20 work with you in many capacities over the years. So
21 thank you for your great service to the city. Um, I
22 do have a few questions and I'll hand it over to my
23 cochair. Ah, we just talked a little bit about, um,
24 OB, right, we talked and, and earlier in your
25 testimony. Ah, how is OBEEP, ah, being staffed? Ah,

2 you know, are we, do we have enough staff to meet the
3 demand of what is going on of, you know, how is
4 there, how many staff are currently there, ah, are
5 you working closely with DCAS and MOS? You know,
6 what are the duties of OBEEP? [inaudible] you'll
7 walk through the, the entirety of, of OBEEP in a, in
8 a very short time.

9 COMMISSIONER LA ROCCA: Certainly. Ah,
10 and Gina can jump in as I, ah, ah, inadvertently
11 forgets, forget things. So currently we have six
12 positions for OBEEP. Gina is the head of that group.
13 Um, the OBEEP, ah, unit resides within our
14 sustainability, ah, bureau. Um, the staff of that
15 unit are, ah, critical components to the work with
16 the advisory board and supporting the members of the
17 advisory board. Ah, as I mentioned, half are
18 appointees of the council as well as, ah, and the
19 other half are appointees by the mayor. Um, that
20 staff is really tasked with continuing to support
21 that, ah, the work of the advisory board and the
22 working group. Obviously, um, the anticipation is
23 that OBEEP grows as we progress, um, further down,
24 ah, the road for Local Law 97, so while we're at six
25 we do anticipate, um, ah, growth to take place and

2 we'll certainly continue the conversations as we
3 monitor the work, ah, of the advisory board and the
4 working groups to date and continue to plan for the
5 evolving needs of OBEEP, as I mentioned, as we get
6 further down the road, um, with 97 and the
7 implementation of, of Local Law 97.

8 CHAIRPERSON CONSTANTINIDES: So if a
9 building owner comes to OBEEP today, um, do we have
10 the staff to give them the technical support, ah, to
11 comply with the law? I know that's part of OBEEP's
12 commission, right, is to provide free technical
13 support to building owners to be able to do their
14 retrofit. Ah, so do we have that capacity currently?

15 COMMISSIONER LA ROCCA: Yeah, I, I
16 believe, I believe we do and, again, we, we, I
17 touched on it briefly. We've established a dedicated
18 website, which we will continue, um, to add
19 information to. Obviously we're at the start of
20 that. As we get feedback from owners and feedback
21 really being questions, that will help drive us, ah,
22 in narrowing the universe of the information owners
23 need, um, and getting them actual practical
24 information, as well as the process we're starting
25 right now for adjustments. So you'll see that start

3 to ramp up. Um, certainly the early outreach we did
4 in ensuring new applicants coming in were aware of
5 97, um, from the onset, I think is hopeful. Um, and
6 obviously, um, where we can make adjustments we will
7 and we are certainly, um, you know, believe any and
8 all suggestions in that front are valued and
9 welcomed.

10 CHAIRPERSON CONSTANTINIDES: OK. Um, so
11 you talked a lot about the advisory board. How is,
12 how are we doing in relation to the advisory board
13 thus far? I know you said you've had over 100
14 meetings thus far?

15 COMMISSIONER LA ROCCA: Yeah.

16 CHAIRPERSON CONSTANTINIDES: So how are
17 things going? Do we need more staff to help support
18 the advisory board and the work that they're doing?
19 Ah, what's sort of the future of OBEEP in relation to
20 the advisory board and supporting that, ah, important
21 work that they're doing, if you can just, you know,
22 walk us through that.

23 COMMISSIONER LA ROCCA: Sure. So the
24 advisory board itself has met seven times. With the
25 working groups we've had, ah, over a hundred
meetings. We'll continue that pace for the rest of

2 this year. So the OBEEP staff right now are
3 supporting that work, um, and all the work of the
4 members, ah, that make up those groups. And, again,
5 you know, we'll look at our staffing levels there,
6 ah, but we do and always have expected that OBEEP
7 would grow as we make our way down the road. So, um,
8 that certainly is the expectation, but specific to
9 the advisory board and its working groups, um, we'll
10 continue to evaluate if we are able to meet the needs
11 of those members and ways that we can continue to
12 support them.

13 CHAIRPERSON CONSTANTINIDES: Is, is an
14 increase in OBEEP in either staffing to help building
15 owners or staffing to advise, is that in this current
16 budget in the, was it put in the preliminary budget
17 or are we thinking about this [inaudible] we'll have
18 to be exact?

19 COMMISSIONER LA ROCCA: Ah, it is
20 certainly a conversation we are having, ah, as we
21 speak.

22 CHAIRPERSON CONSTANTINIDES: OK. All
23 right. And I know that the state legislature, ah, I
24 have two more questions and I'll hand it back, I'll
25 hand it back to my, my cochair. Ah, the state

3 legislature is standing right, currently against the
4 Part R, ah, that, that, you know, Governor Cuomo has
5 put forth in his, his executive budget, ah, that
6 could undermine Local Law 97. Do we have any updates
7 from the state legislature? I know they haven't come
8 to a complete, ah, resolution yet.

9 COMMISSIONER LA ROCCA: I've not heard
10 anything new from what you, anything different than
11 what you've just shared. But certainly it's worth
12 repeating our position on this, which is simply put
13 Local Law 97 was intended to increase energy
14 efficiency in large buildings in order to reduce
15 greenhouse gas emissions, we all know that, but
16 specifically for the betterment of local air quality
17 in New York City, so obviously it is our positions
18 that we want [inaudible] supports generating, ah, ah,
19 better conditions for New York City.

20 CHAIRPERSON CONSTANTINIDES: OK. And so
21 my last two questions are Retrofit Accelerator. Ah,
22 how are we doing there as far as funding and
23 supporting building owners, again, with, you know,
24 additional technical support, ah, is more funding
25 needed? Do they need to grow? Like sort of how are
we doing with the Retrofit Accelerator?

2 COMMISSIONER LA ROCCA: I mean, obviously
3 the working group members, ah, on my, ah, the staff
4 here, pardon me, of OBEEP who work with the working
5 group and the advisory boards work very close with
6 our friends over at MOS and others. Um, so I
7 understand they're doing OK, but I respectfully come
8 well, ah, ah, defer and come back should that answer
9 be incorrect.

10 CHAIRPERSON CONSTANTINIDES: OK. And I
11 guess the last question I have will be I guess more
12 for DCAS than, ah, more for Anthony than for you, ah,
13 Commissioner La Rocca. But, ah, you know, we passed
14 legislation several years ago around, ah, capital
15 construction evaluations for geothermal. We
16 additional passed legislation, ah, a few years ago,
17 ah, to do a solar readiness check for every building
18 and there was a report, ah, you know, in compliance
19 with that. How are we doing with installing
20 geothermal systems, ah, and, ah, in, in city capital
21 projects, and how are we doing in relationship to
22 solar installations around city capital projects, ah,
23 'cause I know there are many city buildings that are
24 solar ready, um, and that would absolutely be a
25 retrofit that would be beneficial. It would put

3 people to work. It would reduce our emissions. Ah,
4 we did one at 171 that was funded through city
5 capital with Speaker Johnson and I [inaudible] 50% of
6 the emissions, yeah, 50% of the energy from that
7 building now come from those solar panels. Um, so
8 I'd want to know like what's our update on
9 solarization and retrofitting with our, our update
10 on, ah, geothermal technology as well.

11 DEPUTY COMMISSIONER FIORE: Ah, good
12 morning, Chair. It's a pleasure to be here and talk
13 with you during your, your last, ah, hearing, um, and
14 I do appreciate the 58 bills that, um, have been
15 passed out of this committee and, um, I've enjoyed
16 working on, on many of those with you. So, um, you
17 will be missed. You will be missed. Um, so the
18 regards to, to the geothermal, um, I believe there's
19 about 10 projects in total that have geothermal in
20 the city. Um, some of the continued barriers to, to
21 geothermal are the upfront capital costs. It's still
22 quite expensive, um, to do that. Those prices are
23 starting to come down, but that's traditionally been
24 one of the barriers. The other is, is the density of
25 underground infrastructure, um, and the space
required to install, um, geothermal. But we, we

3 believe geothermal, um, has promise. I think, you
4 know, as we continue to see those capital costs come
5 down we'll see more and more of those installations.
6 Um, as you know, the Mayor's Office of Sustainability
7 developed a tool to help, um, the private sector, um,
8 find locations throughout the city that are most
9 amenable to geothermal by looking at, at different
10 characteristics that make geothermal work. Um, so
11 that's a, it's an important tool that's out there.
12 Um, with regard to solarization, um, we've, we've,
13 since the beginning of this administration in FY17
14 we've gone from about 1 megawatt to 12 megawatts now,
15 so quite, quite a large increase. Um, that's across
16 87 different installations. Um, it's, those, those
17 installations are producing about 14.5 million KW
18 hours per year and just to put that into context,
19 that's, that's about as much as will be required to
20 power, ah, 3500 New York City residences. Um, and we
21 have about 171, ah, additional, ah, projects that are
22 actively being worked on now for another 41
23 megawatts, um, over the next couple of years. So
24 that will put us more than, um, halfway towards our
25 goal. Ah, I'm, I'm happy to say that 65% of the
projects that have been completed are in

3 environmental justice communities and we think that's
4 great and about 70% of the projects that are
5 currently active, um, are also in environmental
6 justice communities. The other thing that I think is
7 really important, um, with the solarization program
8 is education and training, and you mentioned the
9 school in your district, um, that, that we
10 collaborated on to be done, and there's another five
11 schools within your district that have solar on them
12 to date. But, um, overall 1300 teachers have been
13 trained in solar and renewable energy, um, and how to
14 incorporate that into their curriculum. Um, over
15 1700 students have been trained and, ah, working the
16 Department of Education there's, we've engaged 13
17 different, um, career and technical education schools
18 and a thousand of those students, ah, have been
19 trained in solar. And then finally, um, we've been
20 working with solar, Solar One and, and Fortune, ah,
21 100 to have a program, um, in the, in Department of
22 Corrections where a hundred, ah, inmates have taken a
23 two-day course, incarceration course, and then
24 followed by a five-day, um, ah, post-incarceration
25 course. 61, um, ah, folks have taken that. 14
people have been hired from that program and 10 of

3 those in, in clean energy. So we think that, um, the
4 solarization program is, is really starting to take
5 off now.

6 CHAIRPERSON CONSTANTINIDES: I'm really
7 excited to hear that, and I know that we, we had a
8 press conference just two years ago, um, pre-COVID,
9 about those five schools in my district, ah, other
10 five schools, so I'm looking forward to seeing them
11 come to fruition. Um, ah, that's another
12 conversation that I'll come back to after. But first
13 I want to, ah, you know, hand it over to my cochair,
14 ah, Helen Rosenthal, ah, chair of the Capital Budget,
15 ah, Committee, and also I want to recognize that
16 Council Member Gibson is here as well. Thank you.

17 CHAIRPERSON ROSENTHAL: Thank you, Chair
18 Constantinides, and, um, thank you for kicking this
19 conversation off to try to help us get a lay of the
20 land. Really all my questions have to do with, um,
21 ah, Commissioner La Rocca, the last paragraph of your
22 testimony where you laid out some of the
23 accomplishments made under, ah, Local Law 97, which
24 sound terrific. Um, but I just can't find them
25 anywhere, detailed anywhere in a public-facing
document. The only document that I see for the

3 public to be able to track this is something called,
4 ah, Local Law 24 Solar Readiness Assessment of 2018.
5 That seems to really nicely lay out, um, the details
6 of, um, our movement towards, ah, implementation of,
7 um, these, I mean, here it's solar specifically, but,
8 um, you know, it really does lay out building by
9 building, what the goal, what, what you've already
10 achieved, what you're in sort of planning, um, and
11 exactly, I think it has in there how much was spent,
12 um, to get it to the place where it needs to be. But
13 I'm, I'm just not seeing anything. I, I love the
14 achievements that you mentioned, and oh, by the way,
15 hi, good to see you, um, I think we had a hearing
16 together last week, so I'm getting used to this.
17 It's very nice. Um, and I appreciate your talking
18 about this, but I'm not, I'm just not seeing it
19 anywhere , um, publicly.

20 COMMISSIONER LA ROCCA: Sure. Thank you,
21 Chair, for that. Ah, I'm gonna ask my colleague,
22 Anthony, to, ah, take the mic on this and, um, I'll
23 walk through some of the, some of the information
24 DCAS has.

25 CHAIRPERSON ROSENTHAL: Great.

3 DEPUTY COMMISSIONER FIORE: Thank you,
4 Commissioner. Thank you, Council Member Rosenthal.
5 Good morning, nice to see you.

6 CHAIRPERSON ROSENTHAL: Good morning.
7 Nice to see you, too.

8 DEPUTY COMMISSIONER FIORE: Yeah. Um, so
9 there's, there's several places, ah, in public-facing
10 documents where you can find information. You
11 mentioned one, the Local Law 24 report, which is
12 specific to solar PD. Um, we also have the Local Law
13 87 report that reports on audits and retro-
14 commissioning work in buildings. Um, we also report,
15 um, through Local Law 84, ah, for benchmarking city
16 buildings. Um, there's Local Law 45 that requires us
17 to report on, ah, fossil fuel usage in buildings, um,
18 as well as thermal, ah, thermal performance
19 evaluations. Um, and then we have two additional,
20 um, ah, reports that will be coming out soon, one on,
21 um, related to energy storage and, you know, kind of
22 the best fit in building typologies for that
23 technology and another one on solar thermal. Um, all
24 of this really gets wrapped up and, and culminated,
25 um, in the Annual Greenhouse Gas Inventory Report
that shows the, um, outcomes from all this work, um,

3 and, and really, you know, illustrates where we are
4 in the progress towards both our near-term emission
5 reduction goals and our long-term emission reduction
6 goals.

7 CHAIRPERSON ROSENTHAL: OK. I'm clearly
8 gonna have to look at that more carefully. I mean, I
9 think and, and my bill sort of calls for this. It
10 sounds like it's in a lot of different places. You
11 could piece this together, although let, let me go
12 back to it just one more, for one more round. So,
13 um, at the end of, ah, Commissioner La Rocca's
14 testimony it says, she says that DCAS has invested
15 more than 600 million in approximately 8000 energy
16 conversion measures across 1600 buildings, ah, which
17 is about 50%. So, so where do I see that
18 information? Is that in the emissions tracker you're
19 talking about?

20 DEPUTY COMMISSIONER FIORE: Um, the
21 emissions report, the Annual Greenhouse Gas Inventory
22 Report, sums all of that up and it looks, um, at, ah,
23 emission reduction achievements across different
24 sectors. So you'll see it for buildings...

25 CHAIRPERSON ROSENTHAL: [inaudible] this
is not what I'm looking for. I, I am looking for

3 city buildings and sort of building by building how
4 much have we invested using, you know, what type of
5 energy conservation measure and what the output has
6 been. Um, I mean, it says all, all said city
7 government has reduced greenhouse gas emissions by
8 23%. And that sounds great. Where do I see that?

9 DEPUTY COMMISSIONER FIORE: That would be
10 in the Annual Greenhouse Gas Inventory Report.

11 CHAIRPERSON ROSENTHAL: You know what,
12 can you, oh, I guess we can't use a chat, but, um,
13 can you, so I'm gonna just google it really quickly.
14 What should I search for? DCAS?

15 DEPUTY COMMISSIONER FIORE: I, I would
16 search for, um, New York City Greenhouse Gas
17 Inventory Report.

18 CHAIRPERSON ROSENTHAL: Wait a minute,
19 sorry. I'm, I'm looking it up, because, um, and, and
20 are you saying that in there I'll see a summation by
21 sector or I'll see what New York City has done with
22 our buildings. I see the report now.

23 DEPUTY COMMISSIONER FIORE: Yeah, it's,
24 it's separated into, um, public sector and private
25 sector so you can see them together and you can see
26 them broken apart.

3 CHAIRPERSON ROSENTHAL: And in the public
4 sector I see that citywide inventory New York City
5 government inventory. Um, can I see, again, and I
6 think the answer is no because I'm zipping through
7 this. But by building in New York City, by
8 government building, what have we invested in what,
9 and what's that gotten us?

10 DEPUTY COMMISSIONER FIORE: Yeah, it's
11 not gonna show that in this report.

12 CHAIRPERSON ROSENTHAL: Is there a report
13 that does?

14 DEPUTY COMMISSIONER FIORE: Ah, that
15 shows investments by building and, and projects by
16 building? No.

17 CHAIRPERSON ROSENTHAL: So I guess that's
18 what I'm calling for in my legislation. Is there an
19 hypothetically there are documents behind this
20 document that I'm looking at, although you can't see
21 that because this is a Zoom, but I am looking at the
22 emissions report on my screen and, ah, hypothetically
23 behind that report a whole bunch of information feeds
24 into it, right, that is building by building?

25 DEPUTY COMMISSIONER FIORE: Correct.

2 CHAIRPERSON ROSENTHAL: So that, ah,
3 emissions, that information is available, though,
4 right? And so hypothetically without doing a lot of
5 work that information could be put into a dashboard?

6 DEPUTY COMMISSIONER FIORE: It's, ah,
7 certainly a lot of information, as you've mentioned,
8 that the Commissioner mentioned, over 8000 different
9 energy conservation measures, so, um, yes, in
10 theory...

11 CHAIRPERSON ROSENTHAL: When you say 8000
12 conservation measures you mean, you mean using like
13 four techniques in 8000 buildings, right?

14 DEPUTY COMMISSIONER FIORE: No, I, I mean
15 8000 different, um, measures that have been
16 implemented. So fixing a steam trap or...

17 CHAIRPERSON ROSENTHAL: Sure.

18 DEPUTY COMMISSIONER FIORE: ...boiler
19 controls, or, you know, that type of thing.

20 CHAIRPERSON ROSENTHAL: Yeah, yeah.
21 Sure. I mean, I'm, I'm still not hearing why it's
22 hard. Ah, but let me [inaudible] I didn't hear, um,
23 this is a preconsidered introduction so I don't know
24 that all [inaudible] had a lot of time to look at
25

3 this legislation. But do you see any challenges for
4 impinging a public-facing dashboard?

5 DEPUTY COMMISSIONER FIORE: Um, yeah. I
6 have not seen the introduction. I apologize. I was
7 out, um, on Friday last week, so...

8 CHAIRPERSON ROSENTHAL: No problem.

9 DEPUTY COMMISSIONER FIORE: ...I've not
10 seen that.

11 CHAIRPERSON CONSTANTINIDES: OK.

12 DEPUTY COMMISSIONER FIORE: I've not seen
13 that yet. Um, I think, you know, the concept of, um,
14 transparency is one that, um, we feel is important
15 and appreciate, and I think, um, you know, I'd like
16 to have the opportunity to look at that introduction
17 more and understand if there are any challenges, ah,
18 to, to doing that and working with you to, to lay out
19 something that will serve that transparency, um,
20 objective that you're looking to get at.

21 CHAIRPERSON ROSENTHAL: Oh, that's
22 terrific. I appreciate it. So how much money has
23 the city put in, um, currently? Maybe let's just
24 talk about over the next five years for
25 implementation of Local Law 97?

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 39
2 THE SUBCOMMITTEE ON CAPITAL BUDGET

3 DEPUTY COMMISSIONER FIORE: Over the next
4 five years?

5 CHAIRPERSON ROSENTHAL: Yep, or, or you
6 can talk about...

7 DEPUTY COMMISSIONER FIORE: Yeah.

8 CHAIRPERSON ROSENTHAL: ...how
9 specifically for fiscal year 21 and 22, and I'm gonna
10 ask, so for fiscal year 21 given the hardship of the
11 pandemic and the pause where are we in accomplishing
12 those goals and then are we on track for the next
13 fiscal year? That's gonna be sort of the run of the
14 questions.

15 DEPUTY COMMISSIONER FIORE: Yeah, so I,
16 you know, the four-year, um, our four-year capital
17 budget has about 1.3, ah, billion dollars in it. Um,
18 for fiscal year 2021, um, our, our capital budget was
19 114 million. Um, we're expecting to spend about 95
20 million of that in, ah, in projects, and for fiscal
21 year 22, um, we have a budget, a capital budget of
22 280 million dollars.

23 CHAIRPERSON ROSENTHAL: OK. And can you
24 just clarify again. I had thought it was 1.2 billion
25 over a 10-year period. You're now saying that's over
a four-year period?

1 COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY 40
THE SUBCOMMITTEE ON CAPITAL BUDGET

2 DEPUTY COMMISSIONER FIORE: It's a, it's
3 a 3 billion dollar, 10-year capital budget.

4 CHAIRPERSON ROSENTHAL: OK. So, so this
5 year and next year you're gonna be adding it
6 together, around 200 million, and you're expecting in
7 the next three years to spend another billion?

8 DEPUTY COMMISSIONER FIORE: Again, we
9 have, um, about 280 million in our fiscal year 22
10 budget.

11 CHAIRPERSON ROSENTHAL: Oh, sorry, 280
12 plus...

13 DEPUTY COMMISSIONER FIORE: Yep.

14 CHAIRPERSON ROSENTHAL: ... so you're at
15 3, 400 million.

16 DEPUTY COMMISSIONER FIORE: Yeah.

17 CHAIRPERSON ROSENTHAL: Out of
18 [inaudible] technically.

19 DEPUTY COMMISSIONER FIORE: Yeah. And,
20 and then, you know, the outer years, um, you know,
21 there's, there's a total budget. It's programming
22 capital projects towards, towards that budget, and
23 that's what, you know, we're, we're working toward.

24 CHAIRPERSON ROSENTHAL: I'm sorry, I'm
25 just asking a really simple question. 1.3 billion

3 over four years sounds like you, you're, you can see
4 between this year and next year spending around 400
5 million. So that means you've got about, for over
6 two years you have to achieve 900 million dollars in
7 spending? So are you expecting to be able to spend
8 400 million, 450 million each of those two years, or
9 are you now thinking you're gonna be pushing that out
farther into the 10-year plan?

10 DEPUTY COMMISSIONER FIORE: Yeah, 400
11 million dollars per year over the next two years will
12 be difficult to achieve. Ah, yes.

13 CHAIRPERSON ROSENTHAL: OK. And so I
14 guess what my lay brain is thinking about is like if
15 you have a set of goals that you want to achieve you
16 sort of, you know, as you said, 8000 different ways
17 of achieving, you know, emission reductions. What's
18 your, you know, strategic plan or timeline to get to
19 your achieved goals? And I guess what I'm wondering
20 is can you just, I mean, again, it's sort of the,
21 the, what feeds into your emissions report, the
22 background material. Can you show that over time
23 you're gonna spend this much money in this year,
24 which is gonna have X, um, X, you know, reduction,
25 percent reduction or total reduction in emissions,

3 you know, two years after that? So it, I mean, in
4 many ways it's, it is sort of that simple, right?

5 And it's just that there are a lot of entries 'cause
6 we're a big city. But can you, have you laid that
7 out, and the reason that's important is, you know, if
8 you're saying over the next four years you're not
9 gonna be able to spend 1.2, 1.3 billion, but instead
10 you'll, you'll be able to spend, I mean, at the
11 current rate, even if you did 300 million a year, you
12 know, that'd be, you know, maybe 900 million, 8 or
13 900 million. So you're, you're falling short on
14 spending. Where does that push us out in achieving
15 our goals?

16 DEPUTY COMMISSIONER FIORE: Yeah.

17 CHAIRPERSON ROSENTHAL: Do you know what
18 I mean? Like you already know which projects fit
19 into those million dollars?

20 DEPUTY COMMISSIONER FIORE: Well, yeah,
21 yeah. We, we certainly don't know every project that
22 could be implemented over the next 10 years. We are
23 now working on an implementation action plan
24 associated with Local Law 97. We've been working on
25 that for the past, ah, six months. Um, we should
have that finished up in, in another few weeks, about

3 four weeks and that should be finished. And that's
4 going, that's doing exactly what you're saying. It's
5 looking at, um, all the different building
6 typologies, which agencies have which typologies,
7 what types of measures fit to each building typology,
8 and then laying out kind of a, a pace and schedule
9 to, what you would need to do in order to achieve
10 those emission reductions, both by 2025 and 2030. So
11 that, that is in progress right now and that, that
12 will be a report that, that lays that out.

13 CHAIRPERSON ROSENTHAL: And will that
14 report be public facing?

15 DEPUTY COMMISSIONER FIORE: Yes.

16 CHAIRPERSON ROSENTHAL: OK. So the
17 public can expect within a month, I'm giving you a
18 little bit of grace...

19 DEPUTY COMMISSIONER FIORE: Thank you.

20 CHAIRPERSON ROSENTHAL: ...that within a
21 money that document will be up on the DCAS website?

22 DEPUTY COMMISSIONER FIORE: I, I think
23 so. It will be public facing. The exact timing of
24 it I'm not sure of, but it will be a public-facing
25 document.

2 CHAIRPERSON ROSENTHAL: OK, and that'll
3 basically be our road map.

4 DEPUTY COMMISSIONER FIORE: Correct.

5 CHAIRPERSON ROSENTHAL: Will, included in
6 that will we see, so as your thinking about the
7 projects that go into that document are they
8 prioritized in some sort of way, and what's your
9 criteria for prioritizing?

10 DEPUTY COMMISSIONER FIORE: Um, well,
11 it's basically the biggest impact for the dollar
12 invested, right? So how can we get the most
13 greenhouse gas emissions out of that? Now, that
14 being said, um, when we look at these investments we
15 also look at, um, how those investments touch other
16 policy objectives. So, you know, we do look at, um,
17 the investments in terms of environmental justice
18 communities. We look at the investments in terms of
19 resiliency benefits, air quality benefits, and
20 attendant public health benefits, um, ah,
21 reliability, ah, and so forth you so, um, you know,
22 we, we want to be able to try to get the, the most
23 out of each, each dollar invested, but we also look
24 at how these touch other policy objectives.

25

3 CHAIRPERSON ROSENTHAL: And so we'll see
4 that in your tracker, right? I'm sorry, I already
5 asked you that and you said you said yes. But I'm
6 just liking what I'm hearing and just want to confirm
7 that'll be clear.

8 DEPUTY COMMISSIONER FIORE: Well, there
9 will be a, some qualitative discussion about, you
10 know, other policy objectives, but how, you know...

11 CHAIRPERSON ROSENTHAL: Right.

12 DEPUTY COMMISSIONER FIORE: ...where,
13 where the emission reduction opportunities are will
14 be laid out.

15 CHAIRPERSON ROSENTHAL: And will it also
16 have the tracking of what has happened already to
17 date? The, like...

18 DEPUTY COMMISSIONER FIORE: This is a,
19 this is a forward-looking report...

20 CHAIRPERSON ROSENTHAL: Oh.

21 DEPUTY COMMISSIONER FIORE: ...so I, yeah.

22 CHAIRPERSON ROSENTHAL: So it's the only
23 place to see what's happened to date, the emissions
24 tracker, which is this sort of, um, not specifics but
25 sort of overall document?

DEPUTY COMMISSIONER FIORE: That, yes.

3 CHAIRPERSON ROSENTHAL: OK. Um, and so
4 and, and in your forward-looking document who will it
5 be that'll track, um, implementation?

6 DEPUTY COMMISSIONER FIORE: Well, again,
7 DCAS serves as the central hub for this across the
8 agency. So we'll be getting information from the
9 agencies to put that together.

10 CHAIRPERSON ROSENTHAL: OK. Just
11 checking. Um, all right. So one of the things that
12 we found challenge is, um, we look in the capital
13 budget, which is a public-facing document, to try to
14 identify these projects, right, for, for at least for
15 these four years. Um, and it, the, the labeling
16 seems, um, not consistent. Um, sometimes in a
17 budget line title it'll say energy efficiency and
18 sustainability. Sometimes in a project title it'll
19 say solar. Um, and so I'm wondering is there some
20 way to, um, have consistency in that so that, I'm
21 making this up, for every budget line, in addition to
22 whatever it says it just could say LL97 in it? Could
23 you do that?

24 DEPUTY COMMISSIONER FIORE: Um, so, so
25 there's a budget title and there's a project...

CHAIRPERSON ROSENTHAL: Yes.

3 DEPUTY COMMISSIONER FIORE: ...title and
4 the, the budget titles are generated by OMB. So I
5 can't, I can't speak to that piece of it. I, I just
6 don't know. The project titles, um, are developed by
7 the managing agency. So where DCAS is, ah, providing
8 the, the project where we're managing the project and
9 implementing it, um, that's directly within DCAS's
10 control. The, otherwise it would be the agency
11 that's implementing the project. Um, I, I'm not
12 gonna pretend to be an expert in this area, but I, I,
13 I do believe in some instances agencies upload a, a
14 bunch of projects into the system and I, and I'm not
15 sure how much detail they have when they, they do
16 that. But I think, I think something where you,
17 there's, there's gotta be some way to code it so that
18 it's, it's more transparent. But I, I just can't
19 speak to the specifics of how that might be done or,
20 or how easy it is to do at, at this moment.

21 CHAIRPERSON ROSENTHAL: Let's talk about
22 it offline. I mean, I guess...

23 DEPUTY COMMISSIONER FIORE: OK.

24 CHAIRPERSON ROSENTHAL: ...hearing you
25 say, you know, like at first blush it sounds like
well OMB can just put in, you know, LL97. But you're

2 sort of saying well how would they know, right? It's
3 really the...

4 DEPUTY COMMISSIONER FIORE: Yeah.

5 CHAIRPERSON ROSENTHAL: ...agency that
6 would know. So it would have to be a directive that
7 goes out to all agencies, that if you're uploading
8 something having to do with Local Law 97 they would
9 have to add that to the project title. Is that what
10 I'm sort of hearing?

11 DEPUTY COMMISSIONER FIORE: I, I believe
12 so, yes.

13 CHAIRPERSON ROSENTHAL: Do you think that
14 would be hard to do?

15 DEPUTY COMMISSIONER FIORE: I, I don't
16 know. I, I just don't know enough about this. But,
17 ah, I think it's certainly something we can talk
18 about.

19 CHAIRPERSON ROSENTHAL: Great. Um, and
20 is there a difference between what might be a Local
21 Law 97 project versus a sustainability project, or
22 could we assume they're the same thing?

23 DEPUTY COMMISSIONER FIORE: Well, I think
24 sustainability is, is a broad term, right? I mean, I
25 think, um, where we're looking at emission reductions

3 that may not take into account things about, such as
4 improving water quality or, you know, um, things of
5 that nature. So, again, you know...

6 CHAIRPERSON ROSENTHAL: Yeah.

7 DEPUTY COMMISSIONER FIORE: ...I, I just
8 think sustainability is a broader...

9 CHAIRPERSON ROSENTHAL: OK.

10 DEPUTY COMMISSIONER FIORE: ...term.

11 CHAIRPERSON ROSENTHAL: So let's, let's
12 really sit down and, and hash this out. Because,
13 again, it gets to transparency and, you know,
14 accountability, and we have noticed that there are
15 some things that OMB's able to track. Um, for
16 example there's Local Law 5 that's, you know, in a
17 budget line. Um, so, you know, having to do with
18 fire detectors. Ah, so let's, let's try to, do you
19 think that could be something DCAS could help us
20 champion?

21 DEPUTY COMMISSIONER FIORE: Yeah, I, I
22 think we're very happy to continue this conversation
23 with you, yeah.

24 CHAIRPERSON ROSENTHAL: OK. That's it
25 for me. Thank you so much, um, Chair Constantinides.

3 Thank you so much, um, thank you so much Deputy
4 Commissioner. Nice to meet you.

5 DEPUTY COMMISSIONER FIORE: Thank you.

6 CHAIRPERSON CONSTANTINIDES: Thank you,
7 Chair Rosenthal. Ah, I want to make sure I
8 recognize, ah, Council Member Eric Ulrich and Council
9 Member Matteo have both joined us. Thank you both
10 for being here. And I know that Council Member
11 Grodenchik has his hand up and he'd like to ask some
12 questions as well before I come back for a second
13 round. Thank you.

14 SERGEANT AT ARMS: Time starts now.

15 COUNCIL MEMBER GRODENCHIK: Chair, ah,
16 thank you, Chair Constantinides and thank you, Chair
17 Rosenthal. Um, I just want to, before I ask my
18 questions, um, which will not be too rigorous, I
19 promise you, Commissioner La Rocca, um, I do want to,
20 ah, recognize that this is the last hearing for my
21 dear friend and brother from another mother, ah,
22 Chair Costa Constantinides. Um, he leaves us, ah,
23 ah, bereft of, ah, not just, ah, an outstanding chair
24 and council member, but, um, just a great all around
25 human being and, ah, certainly, ah, I don't think
there's anybody in the New York City Council that

3 would, um, would oppose my statement that I made this
4 morning. But I want to say for the record that I
5 made this all possible because had I not lost to Jim
6 Gennaro in 2001 he would never have been able to hire
7 you, so I'm taking credit for everything you've ever
8 done in your life. Um, with that, with some levity,
9 um, Jim is now a dear friend and we are both members
10 of the 188th Street Caucus. Um, I want to ask, um,
11 the commissioner, and I don't know if this is really
12 fair to ask her, but she's, um, so adept and such a
13 wonderful person to work with and we've done so many
14 great things before she was commissioner as the chief
15 of staff at the SCA and you've got 2600 seats under
16 construction. Thank you, ah, Commissioner, and of
17 course my hat tip as well to former Commissioner
18 Grillo. But, um, is there an overall czar or czarina
19 that's in charge of making sure that the city
20 complies with this law, um, and I ask that because
21 having, um, grown up in New York City public housing
22 and, um, in Pomonok House in, in Councilman Gennaro's
23 district. I am concerned, um, about implementation
24 there, very much so. Um, you know, if, if NYCHA was
25 its own city it would be the second-largest city in
the State of New York, ah, easily, um, with, ah,

3 officially 400,000 residents, but probably, ah, at
4 least another 100,000 to 200,000 residents and, ah,
5 the folks living in NYCHA deserve, um, to be as
6 energy efficient as, um, as anybody else in New York
7 City. I'm just wondering if there is anybody that is
8 tasked by this law or by this mayor, and I realize
9 that his, his time is less than nine months now, but
10 just curious about that.

11 COMMISSIONER LA ROCCA: Thank you,
12 Council Member, ah, for your generosity, so it's a
13 pleasure. Um, I don't know that there's a, a czar,
14 um, in the sense that you're putting, you're putting
15 it out there. But there certainly are very critical
16 components of the city's overall effort here to both
17 address city-owned buildings, ah, and controlled
18 buildings, as well as the private sector. Um,
19 certainly the department will play a role in it, um,
20 as we've started. Um, but then again we have DCAS
21 who's, ah, taking charge of the city's capital
22 investments. We have our colleagues over at MOS.
23 So, um, no in the traditional sense, but we all are
24 collectively, ah, swimming the, the same way.

25 COUNCIL MEMBER GRODENCHIK: I, I
appreciate that, and I know it's not your

3 responsibility. Um, I have, as many of, ah, my
4 colleagues and many of the people of the city, been
5 distributed by, um, the seeming lack of progress in,
6 in simple tasks that need to be, basic quality of
7 life matters that, um, need to happen at NYCHA. Um,
8 and I just worry that this is a lot on their plate.
9 Um, however, I'm gonna look optimistically forward
10 and, ah, hope that, ah, better days are ahead, um,
11 for NYCHA, um, as they were for me growing up in, ah,
12 in what was paradise really, a real paradise.

13 Anyway, um, again I want to thank, ah, the chairs for
14 indulging me and wish my friend, my dear friend,
15 Costa, um, Godspeed. I know, ah, that our loss is
16 the...

17 SERGEANT AT ARMS: Time expired.

18 COUNCIL MEMBER GRODENCHIK: ...variety
19 [inaudible] gain and, ah, I look forward to taking a
20 tour of that facility with you in the near future.
21 Thank you.

22 CHAIRPERSON CONSTANTINIDES: Thank you,
23 Council Member, ah, Garodnick [laughs] Council Member
24 Grodenchik. Thank you. I had to do that one last
25 time.

2 COUNCIL MEMBER GRODENCHIK: You had to do
3 it one last time. It's OK. If I, if I have to be
4 compared to somebody like Dan Garodnick that's a
5 pretty damn good thing.

6 CHAIRPERSON CONSTANTINIDES: But I, I
7 love you, brother, and thank you for your great work
8 in the City of New York...

9 COUNCIL MEMBER GRODENCHIK: Thank you.

10 CHAIRPERSON CONSTANTINIDES:
11 ...[inaudible] my brother. Thank you. Um, I see
12 that Council Member Gennaro also has questions. I
13 will turn it over to him at this time.

14 SERGEANT AT ARMS: Time starts now.

15 COUNCIL MEMBER GENNARO: Ah, thank you.
16 I just wanted to, ah, ah, ah, I wanted to be
17 associated with, ah, ah, Barry's remarks. Um, and,
18 ah, on, on, on two matters. On, on, on [inaudible]
19 Costa for the, for the, for the, for the great chair,
20 for the great public servant, for the great, um, for,
21 for the great person that he is. Um, he talks about
22 me a lot, but a lot of my successes are really do to
23 his great work [inaudible] back when were laboring in
24 [inaudible] together and I regret that our time
25 together on the council won't be as long as, um, it,

3 it would have otherwise been. But, um, you know,
4 Costa and I have been friends a long time and friends
5 and brothers, um, and, um, I, I look forward to that
6 relationship, ah, continuing and, um, yeah, ah, um,
7 sad day for the council, a loss for the council, a
8 loss for the city, but Costa will go on to do other
9 great things and make his mark and 'cause that's who
10 he is, as we all know, and, um, so thank you, Costa.
11 And Barry, thank you for raising the point, first to
12 everything you've said but, you know, getting into
13 the, ah, you know, NYCHA thing. Um, you know, when
14 I, when I read the report about NYCHA, um, ah, as
15 you, um, um, appropriately indicated, Barry, it,
16 it's, there's so much on NYCHA's plate now and basic,
17 basic stuff on heat, hot water, mold control, roofs
18 leaking. You know, just getting buildings, you know,
19 getting the bricks pointed, it's just, ah, um, the
20 pointing is the stuff that goes in between the
21 bricks. I think everybody knows that. Um, but I, I
22 fear that, um, you know, it'll, more of an onus on
23 this, on the fragile and stressed, um, you know,
24 system that we know is NYCHA. Um, ah, you know, we
25 all want it to succeed and be a, and, and be healthy
and robust and also, you know, client-friendly. Um,

3 but I, you know, have a, I think a legitimate fear
4 that more put on NYCHA's plate is going to, you know,
5 um, result in some problems. Um, I'll just leave
6 that as a comment for record. Um, ah, um, I thank
7 the commissioners who are, ah, appearing before the,
8 ah, um, ah, committee today for your good work to
9 move forward Costa's and the committee's good work,
10 um, and I appreciate that. I don't have, ah, any
11 specific questions regarding, you know, other than
12 just putting my statement on the record. So, Costa,
13 it's been great to serve with you for all these years
14 and we'll, ah, continue our, our, you know, deep and
15 abiding lifelong friendship, um, going forward. So
16 thank you my brother. Um, and, um, Godspeed and
17 thank you also, Barry, for your kind remarks. So
18 with that said I, um, I, um, I, I turn it back. So,
19 um, God bless everyone. Happy Easter Monday.

20 CHAIRPERSON CONSTANTINIDES: Thank you,
21 Jim. Thank you, Council Member Gennaro. Ah, 13
22 years ago I, I walked into your office on my
23 birthday, January 7, ah, to, ah, my first day at work
24 and I got to learn about sustainability and I got to
25 learn about the council, and got to become your

3 friend and your brother. So I, I count myself in the
4 very luck category.

5 COUNCIL MEMBER GENNARO: Ah, um, um, I
6 think I got the best of the bargain on this one, but
7 I, I, ah, I certainly appreciate the compliment. But
8 I, I, you know, I got the best of the bargain.

9 CHAIRPERSON CONSTANTINIDES: Thank you,
10 Jim. Um, so with that, um, I guess I'm gonna turn it
11 back and get back to the, the task at hand. I do
12 have some, a few more questions left for the
13 commissioners. Um, I'll put it, I'm not sure who can
14 answer this question, but I know that there was a
15 carbon trading study that was mandated by Local Law
16 97 that was due January 1. Um, do we know when the
17 study is going to be released, ah, at this point?

18 COMMISSIONER LA ROCCA: So, ah, I'll take
19 a stab and if Anthony, you know, wants to jump in. I
20 know MOS, ah, has been working on that and we do
21 expect it, ah, shortly. Gina or Anthony...

22 CHAIRPERSON CONSTANTINIDES: And...

23 COMMISSIONER LA ROCCA: ...if you have
24 more details.

25 CHAIRPERSON CONSTANTINIDES: And can I
add a wrinkle to that question? Um, and what also

2 have we done around ensuring that the EJ communities
3 have meaningful participation in that study?

4 COMMISSIONER LA ROCCA: Gina or Anthony,
5 if you have a better sense of the timing, and then
6 I'll have to come back to you on, on the, ah,
7 participation piece, Council Member.

8 CHAIRPERSON CONSTANTINIDES: Thank you.

9 CHIEF SUSTAINABILITY OFFICER BOCRA:

10 Council Member, ah, I apologize that we don't have
11 additional details on how they have been engaged. I
12 do know that MOS has worked to engage EJ communities
13 within the study, but I can't offer any detail.

14 CHAIRPERSON CONSTANTINIDES: OK. Um, so
15 I'll ask a question around PACE. I know that MOS is
16 not here, um, but I know we recently passed, ah, an
17 addendum to PACE to make it easier for new
18 construction as well. Ah, we haven't yet, have we,
19 has PACE started? We talked about spring. Um, have
20 we issued any, ah, have we chose a provider? Have we
21 issued any PACE loans yet? Um, do we have an
22 estimated date on when that's going to start?

23 COMMISSIONER LA ROCCA: Gina, I don't
24 know if you have the details here, but if you do.

3 CHIEF SUSTAINABILITY OFFICER BOCRA: I, I
4 don't have additional details, but Council Member I
5 do know there was rule-making that, um, was finalized
6 and I believe is in effect now to, to facilitate that
7 moving forward.

8 CHAIRPERSON CONSTANTINIDES: OK. Um,
9 around rent-regulated buildings I know that, ah, um,
10 you know, I know it is 1947, but it's actually Local
11 Law now 116 of 2020, ah, amended to that question of
12 rent-regulated, ah, accommodations to include
13 [inaudible] in which 35% or more of the [inaudible]
14 units are required to be rent-regulated. Um, how are
15 we doing on implementing Local Law 116 of 2020 into
16 the Local Law 97 compliance and, and assisting
17 building owners in meeting those targets?

18 COMMISSIONER LA ROCCA: So I'll start,
19 but just, obviously, part of the, critical part of
20 what we do is how we get the word out. So we look
21 forward to working with the council on ways to
22 strengthen that, and, again, as I mentioned before,
23 obviously, ah, any and all would be appreciated here
24 'cause we do realize that's critical. Gina, do you
25 want to chime in a little more?

2 CHIEF SUSTAINABILITY OFFICER BOCRA:

3 Sure, Commissioner. Thank you. I think, ah, the
4 department is working closely with, ah, MOS and the
5 state to try and figure out how we get that
6 information [inaudible], um, how we are able to reach
7 out to owners, um, help them better understand their
8 obligations under Article 321. Ah, we are aware many
9 owners believe they have no obligations under Local
10 Law 97 whatsoever if they're rent-regulated, which
11 is, um, which is something that we need to, to work
12 harder to, to message about. Ah, and in addition to
13 that we're working more broadly, um, not just, um, on
14 the topic of rent regulation, but other types of
15 affordable housing are treated differently under
16 Local Law 97. It can be confusing. So MOS, DOB, and
17 HPD are also working on, ah, better messaging about
18 how the law applies to the different types of
19 affordable housing that are out there.

20 CHAIRPERSON CONSTANTINIDES: OK. So
21 we'll be able to give building owners a clear
22 understanding of where things are and ensure that
23 they understand whether their building is, is in need
24 of doing the retrofits or they have to do the
25 alternative compliance, so there's no ambiguity,

3 right? Because we don't want to leave building
4 owners in a bad place where they get closer to a date
5 of 2024, 2030 and they're unsure, right. We're able
6 to give them some type of certainty that yes, you're
7 part of alternate compliance, so yes, you're part of
8 Local Law 97 compliance. You need to get working,
9 ah, on a capital plan, correct?

10 COMMISSIONER LA ROCCA: Yeah, that's
11 definitely the expectation that we're able to
12 facilitate those conversations.

13 CHAIRPERSON CONSTANTINIDES: Great. Um,
14 and then lastly, ah, I know that NYCHA is not here,
15 but I know both of my colleagues, both Council Member
16 Grodenchik and Council Member Gennaro, ah, both, ah,
17 brought up the issues around NYCHA. Um, do we know
18 [inaudible] I know that NYCHA is a goal and not a
19 mandate because we have, ah, limited capacity to, ah,
20 work around NYCHA issues based on the, the federal
21 and state both having hands in what we do at NYCHA.
22 Um, do we know if there, what resources have been
23 allocated to comply with Local Law 97? Ah, you know,
24 do we know, ah, what, what NYCHA will be able to
25 achieve by 2030. Um, is there any sort of planning
around Local Law 97, ah, relating to funding to NYCHA

2 or, ah, in the city budget that's going to help meet
3 their goals, 'cause we don't want to create a, a tale
4 of two cities, right? A, a, a public housing being
5 left out of this important law because in addition
6 when we do retrofits it not only is, is beneficial,
7 ah, making the building itself more valuable, but
8 it's also, you know, reduces emissions and, and
9 improves air quality. So we're not gonna burn as
10 much fossil fuels and we're gonna see an improved air
11 quality and the residents of NYCHA, ah, most
12 certainly should share in that. So do we know what
13 resources we're dedicating, ah, around Local Law
14 compliance with NYCHA?

15 COMMISSIONER LA ROCCA: I don't and, ah,
16 again, I would be happy to come back, ah, with that.

17 CHAIRPERSON CONSTANTINIDES: OK, great.
18 If you could please update, ah, my cochair, ah,
19 Council Member Rosenthal...

20 COMMISSIONER LA ROCCA: Certainly.

21 CHAIRPERSON CONSTANTINIDES: ...ah, with
22 that information, or whoever the chair of committee
23 is, ah, once I've, I've, ah, gone on to, ah, the
24 private sector [inaudible].

25 COMMISSIONER LA ROCCA: Yes.

3 CHAIRPERSON CONSTANTINIDES: OK. Um,
4 does any other of my colleagues have any other
5 questions for any of the administration before I move
6 on to, ah, Council Member Rosenthal has a, a
7 question, so I will hand it back to our chair.

8 CHAIRPERSON ROSENTHAL: Thank you. I, I
9 just, um, two quick questions. I didn't quite hear
10 the answer to your set of questions just now, Council
11 Member Constantinides. Is DCAS tracking the NYCHA
12 outcomes?

13 DEPUTY COMMISSIONER FIORE: No, NYCHA is
14 not part of our portfolio. Um, we, you know, we do,
15 ah, collaborate with NYCHA, really kind of best
16 practices, um, and lessons learned. But their, their
17 portfolio is very, very different than the city
18 government portfolio at large. Um, you know, large
19 multi-family housing is just very different than, you
20 know, our, our schools and our police precincts and
21 our cultural institutions, um, and so the solutions
22 are, ah, the challenges are a little bit different
23 and the solutions are a little bit different. Um, I,
24 I will tell you that we've, we've just met with them
25 about a program, um, that in connections with NYSERDA
that they're looking to do, um, in trying to

3 incentivize manufacturers to produce a, um, a new
4 type of, um, air source heat pump that would be, um,
5 suitable for multi-family residences, ah, very
6 efficient, um, and we're seeing if there's a way that
7 DCAS could participate in that. Again, it's a very
8 different application, but those are the types of the
9 conversations that we have with, ah, NYCHA.

10 CHAIRPERSON ROSENTHAL: Thank you for
11 that. And then, um, similarly, ah, of the work
12 that's been done to date what portion of it has been
13 done in, ah, EJ communities? I don't know what the
14 measurement is or how you, ah, look at that. I mean,
15 is it X percent of your projects or X percent of the
16 emission reductions to date, but how much has been
17 done already in EJ communities?

18 DEPUTY COMMISSIONER FIORE: Ah, from the,
19 from the projects that we've completed to date, 55%
20 of the emission reductions are in EJ communities and
21 75% of PM 2.5 reductions are in EJ communities.

22 CHAIRPERSON ROSENTHAL: OK, great, and I
23 look forward to hearing more from the advocates, ah,
24 about that later on. I hope you'll stick around for
25 that as well. Thank you so much. Thank you, Chair.

2 CHAIRPERSON CONSTANTINIDES: Thank you,
3 Chair Rosenthal. Um, so I will just at this point,
4 any of my colleagues have any questions for any of
5 the administration before I move on? I just want to
6 do a double check here 'cause we're not in person.
7 All right, so not seeing any hands, I really want to
8 thank, ah, ah, Commissioner La Rocca and Anthony
9 Fiore, ah, Gina Bocra. Thank you all for being
10 amazing public servants. It's really been an honor
11 to work with you over this time, ah, and I am so
12 grateful, ah, for the administration's partnership
13 over the years. So I look forward to seeing you all
14 in a different capacity soon and wishing you all
15 well. I know that you'll continue to great work on
16 the path for people of the City of New York, so thank
17 you.

18 COMMISSIONER LA ROCCA: Thank you, Chair.

19 DEPUTY COMMISSIONER FIORE: Thank you,
20 Chair. Thank you.

21 CHAIRPERSON CONSTANTINIDES: Samara, I
22 guess we can all the next witness?

23 COMMITTEE COUNSEL: OK. Thank you.
24 We'll now turn to the public testimony. I'd like to
25 remind everyone that unlike our typical council

3 hearings we will be calling individuals one by one to
4 testify. Council members who have questions for a
5 particular panelist should use the raise hand
6 function in Zoom. For panelists, once your name is
7 called a member of our staff will unmute you and the
8 Sergeant of Arms will give you the go ahead to begin
9 upon setting the timer. Please wait for the Sergeant
10 of Arms to announce that you may begin before you
11 begin your testimony, and again I think our testimony
12 will be limited to four minutes. I would like to now
13 welcome Marcia Annenberg, who represents 350 dot org
14 New York City to testify, to be followed by Kevin
15 Costa of 350 dot org Brooklyn.

16 MARCIA ANNENBERG: Hi, everybody.

17 Before...

18 SERGEANT AT ARMS: Time starts now.

19 MARCIA ANNENBERG: Oh, before I begin I'd
20 like to address Chair Constantinides on behalf of 350
21 New York City. You've been such a role model and an
22 inspiration, and it's, um, so upsetting that you are
23 going to be retiring, but I hope in the future you
24 will find some role to play in continuing to help New
25 York City with their environmental protection. It's
been an honor to work with you. My name is Marcia

3 Annenberg and I'm a member of 350 NYC dot org,
4 affiliated with the international climate group, 350
5 dot org. We advocate for policies that serve to
6 eliminate and draw down on greenhouse gas in the
7 atmosphere. We are here today to add our voice to
8 the strong coalition of activists in New York City
9 that is adamant that Local Law 97 be implemented
10 without delay and that the projects necessary to be
11 completed by 2022 are fully funded. The question we
12 must ask ourselves here at this time and in this
13 place is whether we believe that the earth is in a
14 state of emergency. In 2019 11,000 scientists from
15 165 countries signed a letter saying that we are on
16 the verge of a calamity. Unfortunately we are the
17 last generation and the only generation tasked with
18 saving the earth from runaway global warming. We
19 didn't ask for this responsibility but nonetheless it
20 is ours. The data has shown that buildings generate
21 70% of the greenhouse gas emitted from New York City.
22 That is a fact. This must be reduced by 40% by 2030.
23 Our polar ice caps are melting. They are not going
24 to stop melting. The sea level will continue to
25 rise. The storm surge from Sandy was a historic
13.88 feet. What if the storm surge comes to 34th

3 Street next time? What will the landlords do then?

4 Who will save them? How many water pumps will they

5 need? The question then isn't whether to upgrade

6 their buildings. The question is how fast can they

7 be, can they be upgraded. If Local Law 97 is

8 implemented New York City buildings emissions will be

9 reduced by 80%. There is no more time to wait. Like

10 the greatest generation of World War II tasked with

11 defeating Hitler, it is our task to make the world

12 safe for our children and grandchildren instead of

13 inheriting a planet beset by drought, wildfires,

14 torrential rain, and species extinction. Thank you

15 so much for all that you do. Thank you again.

16 CHAIRPERSON CONSTANTINIDES: Thank you,

17 Costa.

18 COMMITTEE COUNSEL: Thank you Marcia for

19 your testimony. Um, I'd like to call Kevin Costa.

20 If Kevin Costa is available he can turn on his camera

21 now. If not let's move on to Joseph Zurica of the

22 American Council of Engineering Companies of New

23 York, who will be followed by Pete Sikora of New York

24 Communities for Change.

25 SERGEANT AT ARMS: Time starts now.

3 JOSEPHINE ZURICA: Good morning, Chair

4 Constantinides and members of the committee. Thank

5 you for letting me speak to you today. Ah, my name

6 is Josephine Zurica and I'm a principle at Dagher

7 Engineering. Ah, but I am also the vice chair of the

8 American Council of Engineering Companies of New

9 York's, ah, Energy Code Committee and I am speaking

10 on their behalf today. Ah, I just want to emphasize

11 that our members are licensed professional engineers

12 who serve on a volunteer basis and, ah, we are

13 speaking here today because of the impact, um, that

14 this, you know, legislation has on our, ah, member

15 firm and the work that we do. Ah, I just want to

16 emphasize that ACEC New York has been supportive of

17 the intent of Local Law 97 since its first draft as

18 Intro 1253, and we've been active throughout,

19 providing comments and testimony, um, and technical

20 insight. And, ah, we do have a, a couple of comments

21 today, um, on the current state of the, ah,

22 legislation. So our first, ah, comment is, um, to

23 stress the need for dedicated resources within DOB.

24 Ah, two years after its historic passage Local Law 97

25 remains some of the most ambitious legislation of its

kind and, as we all know, it will be one of the most

3 challenging to successfully implement. And, ah, as
4 engineers we certainly want to see this bill
5 successfully implemented in the work that we do. We
6 have, ah, members of ACEC who sit on both the
7 advisory board and the working groups, um, and we
8 closely follow, have been closely following the
9 implementation of this law. Um, you know, we
10 understand that Local Law 97 charges the advisory
11 board to issue a report and recommendations in less
12 than two years from now and there's a concern that at
13 the current pace of rule-making and implementation
14 there remain too many unknowns for design teams,
15 consultants, and building owners to properly react
16 and start implementing the real changes and
17 improvements that are needed, ah, for Local Law 97 to
18 be a success. So, ah, at ACEC we strongly recommend
19 that, ah, further attention is made to the
20 implementation of this law, ah, within DOB and the
21 resources that are provided to it. Um, secondly I
22 want to bring up a point, um, that I know has been
23 brought up previously in terms of how the bill, um,
24 how the, ah, carbon is, ah, classified. Um, so
25 currently the New York, ah, DOB building occupancy
classification is being used in the bill and we

3 continue to believe that this is an inappropriate way
4 to set limits as it ignores too many indicators of
5 carbon and energy usage within a building. Um,
6 specifically it's not nuanced enough to recognize
7 different energy intensities, um, and how different
8 building types are used, including occupancy
9 densities, operating schedules, and other factors
10 that can significantly, ah, affect the carbon
11 consumption. Um, we strongly recommend that the
12 Energy Star building classification system is a more
13 appropriate way to categorize and set limits, ah, for
14 carbon. Ah, this system is nationally recognized and
15 currently utilized in the city's benchmarking law and
16 is a much more appropriate way to classify the type
17 of buildings and resulting energy and carbon
18 intensity. And I thank you very much for, ah,
19 listening to this testimony today.

20 CHAIRPERSON CONSTANTINIDES: Thank you
21 very much. Appreciate your testimony and your
22 partnership. Thank you.

23 COMMITTEE COUNSEL: Ah, thank you,
24 Josephine. Ah, we appreciate that. Ah, now I will
25 call on Pete Sikora of New York Communities for
Change, whose testimony will be followed by Adam

3 Roberts of the American Institute of Architects of
4 New York.

5 SERGEANT AT ARMS: Time starts now. Time
6 starts now.

7 PETE SIKORA: Ah, I don't know if you can
8 hear me now. I was unmuted. But, ah, thank you so
9 much for this time and thank you, Council Member
10 Constantinides, for your work. Um, it is, ah, a
11 bittersweet moment this hearing, um, on oversight of
12 the law that you and the council shoved through.
13 Everyone here should be, ah, on the council should be
14 really proud of this. It's a monumental
15 accomplishment that will last for decades and will be
16 one of the things that's looked back on as one of the
17 biggest things that the city ever really did, ah, to
18 lead the world. Um, I don't really, you know, do a
19 lot of hyperbole, but it's, it's really true. Thank
20 you so much for passing Local Law 97. Um, the real
21 estate industry is on the attack here on Local Law
22 97, as we're all aware. Um, hopefully the state
23 legislature will defeat the governor and remedy, and
24 some of the other remedy affiliates attack through
25 Part R. We're looking good on that. Um, but that
bad faith attack is typical of the kind of stuff that

3 we're seeing now the real estate tried to sling at,
4 ah, the city. They lost on Local Law 97. Um, they
5 had previously defeated Mayor Bloomberg's attempt to
6 do something in this area. And they are always
7 trying to, ah, stop requirements that require them to
8 do anything, ah, hugely significant. And that's
9 what's needed, ah, in order to create good jobs to
10 solve the climate crisis. So, again, thank you,
11 Costa and council members for moving this law through
12 and holding this hearing. Um, the administration, to
13 its credit, has appointed, um, highly talented
14 people, you're hearing from some of them, ah, to run
15 OBEEP, and that is great. Um, they are working
16 overtime here to stand up the law and make it real.
17 But I want to echo the need for increased resources
18 here, um, staff lines in particular. There needs to
19 be more and you need to put them in the budget right
20 now, make the administration do it. Um, so please
21 add staff lines in the baselines, ah, for, ah, the
22 office and the associated functions. Incredibly
23 important. It's a tiny, tiny amount of money. We
24 say that a lot about various budget stuff. But in
25 this case it is a law that is standing up tens of
thousands of good jobs and that process has already

3 begun. Um, it's important to have the right staffing
4 levels there and they're behind right now. They need
5 more talented people like they have. Um, we, ah, we
6 want to see Local Law 97 strengthened, ah, so, so
7 that includes limiting RECs, closing some of the
8 loopholes on 8020 buildings on Section 8 housing.
9 Those don't make any sense. Um, and Local Law 97,
10 ah, should be strengthened by bringing up the
11 effective dates, um, to create more jobs and cut
12 pollution faster. Um, the benefits here, ah, are
13 enormous. It's to, ah, create good jobs to cut
14 pollution and, um, again, thank you so much for doing
15 this. You have our prepared testimony. Um, but I
16 want to end by saying that there's good faith
17 disagreements among energy efficiency experts on how
18 to structure this kind of a law. It's so innovative
19 that there's no really good road map. So I really
20 want to distinguish between good faith discussions
21 and disagreements, which are happening at the
22 advisory council, and bad faith BS that the real
23 estate industry is flinging at this law. Um, so
24 their lobbyists need to be rejected and you need to
25 move forward on strengthening the law and increasing
standards for other types of buildings, as well as

3 passing, ah, a ban on gas installations on new
4 construction and gut renovations. Ah, for New York
5 City to survive this existential crisis and thrive we
6 have to fight the crisis and take hold of the job
7 creation opportunity. We thank you for passing Local
8 Law 97 and, ah, and for, ah, this oversight hearing.
9 Thank you very much.

10 COMMITTEE COUNSEL: And thank you, Pete.

11 CHAIRPERSON CONSTANTINIDES: Thank you,
12 Pete.

13 COMMITTEE COUNSEL: Ah, I would now like
14 to welcome Adam Roberts of the American Institute of
15 Architects of New York, whose testimony will be
16 followed by Carlos Castell Croke of the New York
17 League of Conservation Voters.

18 SERGEANT AT ARMS: Time starts now.

19 ADAM ROBERTS: Thank you Chairs
20 Constantinides and Rosenthal for holding this hearing
21 today, and also congratulations Chair Constantinides
22 on your retirement, and thank you so much for all the
23 great work that you've done over the years on Local
24 Law 97 and, and other bills. I'm Adam Roberts, the
25 director of policy for the American Institute of
Architects New York, also known as AIA New York. We

3 represent New York City's public and private sector
4 architects. AIA New York has and will continue to be
5 a strong supporter of Local Law 97. However, we
6 feel, fear that a lack of city resources will hamper
7 the law's effective enforcement. Without effective
8 enforcement New York City will fail to combat climate
9 change and the inequality in living and working
10 conditions, while also missing out on an opportunity
11 to provide much-needed jobs in the design and
12 construction industries. Most urgently, the city
13 must commit to properly funding the Office of
14 Building Energy and Emissions Performance, which is
15 housed within the Department of Buildings. The
16 office is severely understaffed with only a handful
17 of staffers overseeing compliance for thousands of
18 the city's largest buildings, potentially allowing
19 unscrupulous owners to skirt requirements.

20 Furthermore, the staff shortage complicates this
21 office's ability to take on further responsibilities
22 and initiatives related to compliance with Local Law
23 97, such as providing education on sustainable design
24 techniques. The city should also invest further in
25 those agencies that oversee capital works, as they're
integral in ensuring that city buildings comply with

3 the law's provisions. While the mayor has finally
4 relented and allowed the design of public projects to
5 restart after a year-long halt, city buildings are
6 nonetheless a year behind schedule on compliance.

7 Additional funding is needed to ensure that the
8 Department of Design and Construction and other
9 agencies can pay for the work and are sufficiently
10 staffed to oversee the significant increase in
11 retrofits. We've already seen that a lack of funding
12 has decreased confidence in the ability of the city
13 to effectively enforce the law. It is fortunate that
14 the state legislature is not, is likely not moving
15 forward with the governor's proposal to undermine
16 Local Law 97 by allowing the purchase of renewable
17 energy credits. Yet significant concerns remain
18 among lawmakers about whether the law is enforceable.

19 The best way for the city to rebut these concerns is
20 to properly fund those city agencies who will oversee
21 its enforcement. Lastly, the New York City Council
22 must ensure that fines for noncompliance are high
23 enough to incentivize retrofitting. We remain
24 concerned that without sufficiently high fines owners
25 will consider Local Law 97's fines a cost of doing
business in New York City and will thereby not move

3 forward with retrofitting their buildings. Again,
4 thank you for holding this important hearing today.
5 We hope the City Council will heed our warnings and
6 ensure that the city has the resources to enforce
7 this essential legislation.

8 COMMITTEE COUNSEL: Thank you, Adam. It
9 looks...

10 CHAIRPERSON CONSTANTINIDES: Ah, Samara,
11 I think...

12 COMMITTEE COUNSEL: Ah, Chair, Council
13 Rosenthal has a, ah, question.

14 COUNCIL MEMBER ROSENTHAL: Thank you so
15 much. Um, Mr. Roberts, ah, something you just said
16 caught my attention that the city has not achieved
17 the goals that it had laid out. Do you mean for city
18 government buildings or private buildings, or both?

19 ADAM ROBERTS: For, city buildings, um,
20 because of the year-long halt in design work, ah,
21 over the course of the pandemic, which led to a year-
22 long halt in...

23 COUNCIL MEMBER ROSENTHAL: Sure, sure.

24 ADAM ROBERTS: ...ah, construction work.
25 It just means that the city hasn't been doing what,
26 what some forward-looking private owners have been

3 doing, which is retrofitting their buildings, ah,
4 with knowing that they'll have to start complying in
5 a few years or at least within the decade.

6 COUNCIL MEMBER ROSENTHAL: So according
7 to the testimony this morning they said they were
8 ahead of the game, that they were beyond where they
9 thought they were gonna be at 25%. They're at 40%.
10 What, so do you hear something different than I'm
11 hearing, 'cause I understand the point you're making
12 and I definitely drilled into how are you gonna spend
13 as much money as you think you're gonna spend over
14 these, this four-year window given the pause and
15 blah, blah, blah, and they admitted they're not gonna
16 be able to make it. But is, is that what you are
17 referring to? I, I'm just trying to make sure I
18 understand it.

19 ADAM ROBERTS: Yep, that's exactly what
20 we're referring to.

21 COUNCIL MEMBER ROSENTHAL: OK.

22 ADAMS ROBERTS: You know, we, what we
23 hear is from our members who, who work for the city
24 and, ah, you know, they're doing heroic work at DOB,
25 DDC, and other agencies, but there needs to be more

3 of them doing that work, and there needs to be more
4 of that work actually being done.

5 COUNCIL MEMBER ROSENTHAL: Great. Thank
6 you so much. Appreciate your testimony.

7 ADAM ROBERTS: Thank you.

8 COMMITTEE COUNSEL: Thank you, Adam. I'd
9 now like to welcome Carlos Castell Croke of the New
10 York League of Conservation Voters, whose testimony
11 will be followed by Lynda Nguyen of Align.

12 SERGEANT AT ARMS: Time starts now.

13 CARLOS CASTELL CROKE: Ah, good
14 afternoon. My name is Carlos Castell Croke and I'm
15 the associate for New York City programs at the New
16 York League of Conservation Voters. NYLCV represents
17 over 30,000 members in New York City, ah, and we are
18 committed to advancing the, advancing a
19 sustainability agenda that will make our people, our
20 neighborhoods, and our economy healthier and more
21 resilient. I'd like to thank Chairs Constantinides
22 and Rosenthal for the opportunity to testify today.
23 During Mayor de Blasio's first term his
24 administration set many ambitious goals to fight
25 climate change, including reducing emissions 80% by
2050. In the years since we have only seen

3 incremental steps towards meeting these goals.

4 Throughout this time NYLCV has maintained the single
5 largest step the city can make, ah, to meet 80 by 50,
6 is by drastically reducing emissions from buildings.

7 The building sector in New York City accounts for a
8 whopping two-thirds of our total emissions, but

9 thankfully the building emissions reduction target
10 set by Local Law 97 will ensure that roughly 20,000

11 buildings in the residential and commercial sectors

12 do their part to fight climate change. These new

13 standards put us on a path to reach 80 by 50.

14 However, NYLCV understands the work is just

15 beginning. Ensuring that the law is proposal

16 implemented provides a clear and achievable

17 regulatory framework, framework, and adequately,

18 adequate enforcement investments are a critical next

19 step. The Office of Building Energy and Emissions

20 Performance, or OBEEP, will be responsible for these

21 next steps and therefore must be fully staffed and

22 funded. Previously we estimated that OBEEP would

23 require 2 million dollars in it fiscal 20 budget,

24 fiscal year 20 budget, um, and the city should

25 incrementally increase that to 20 million by the

fiscal year 25 budget to ensure that they have the

3 necessary reaches, resources for the first year, ah,
4 of regulatory enforcement. We're concerned the OBEEP
5 is currently understaffed when it comes tackling
6 Local Law 97 [inaudible] and furthermore we could see
7 additional cuts, ah, there could be additional cuts
8 due to the COVID-19 budget crisis. We ask the City
9 Council fully fund OBEEP so that it can effectively
10 implement Local Law 97 and help us drastically reduce
11 emissions in the building sector. We also recognize
12 that the working groups created by Local Law 97 to
13 make recommendations on implementation are meeting
14 regularly and we urge the city to shepherd these
15 groups through their work and issue preliminary
16 regulations as expeditiously as possible so that
17 building owners have as long of a lead time as
18 possible to come into compliance with the law's
19 requirements. Finally, we urge the mayor to submit
20 publicly to redirect all noncompliant penalties once
21 Local Law 97 has taken effect to energy efficiency
22 retrofits in affordable housing, which is for the
23 most part exempt from Local Law 97, but no less in
24 need of retrofitting. Thank you for the opportunity
25 to testify today.

3 COMMITTEE COUNSEL: Thank you, Carlos. I
4 would now like to welcome Lynda Nguyen of Align,
5 whose testimony will be followed by Marissa Silver
6 Farrell also of Align.

7 SERGEANT AT ARMS: Time starts now.

8 LYNDA NGUYEN: Hi. Unfortunately Marissa
9 was not able to make it today, so I'll be the, um,
10 only person testifying for Align. My name is Lynda
11 Nguyen and I'm the senior policy analyst at Align,
12 the Alliance for Green New York. Thank you for the
13 opportunity to testify today. Um, we also want to
14 thank, ah, you, Chair Constantinides, for your
15 leadership on this effort, among many others. Um, so
16 after Hurricane Sandy Align brought together over 50
17 local community groups to form the Climate Works For
18 All Coalition. After almost six years of organizing,
19 Climate Works For All successfully led the passage of
20 Local Law 97 in 2019. It's been two years since this
21 historic win and now the coalition urges the city to
22 focus its efforts to equitably and aggressively
23 implement Local Law 97. As many before me have
24 already stated, buildings are largest emitters in the
25 city. They're responsible for about 70% of the
city's greenhouse gas emissions. In fact, a report

3 recently stated that emissions have actually been
4 increasing in recent years and so we cannot afford to
5 wait any longer. Not only will Local Law 97 target
6 the city's largest emitters, but will also create
7 about 40,000 good green jobs. Experts also project
8 as, ah, Chair Constantinides said earlier today in
9 the hearing, that it's potential to expand the
10 current, ah, retrofit, ah, annual, the annual
11 retrofit market by 13 times what it is today.

12 Buildings can reduce emissions with today's
13 technology. A 2019 study found that a combination of
14 aggressive energy efficiency improvements,
15 electrifying systems, and renewable energy generation
16 are necessary to make the city's 80 by 50 goals. The
17 city must take this opportunity to invest in
18 communities that have been hit hardest by the climate
19 change crisis as well as COVID-19, especially as we
20 transition into a new administration. The following
21 four considerations must be prioritized during
22 implementation to keep the integrity of this landmark
23 legislation. First, environmental justice
24 communities, affordable housing, and NYCHA buildings
25 must be prioritized within Local Law 97
implementation, especially for siting and retrofits.

3 Second, the city must ensure community hiring
4 practices and project labor standards are enforced on
5 all projects. It's not enough that we're creating
6 these jobs. We want to make sure these are good
7 green jobs that folks can, um, make a living wage off
8 of. We also want to make sure that staffing for
9 Local Law 97 continues to happen and that it must go
10 towards public jobs. And finally trading mechanisms
11 that harm environmental justice communities and
12 reduce emission reductions like Rex or Part R must be
13 limited and addressed through the advisory board. If
14 the city is serious about protecting its residents
15 and ensuring a robust economic recovery it must move
16 to aggressively implement Local Law 97 to make sure
17 inroads, um, in addressing racial inequities are
18 being made, we're create good green jobs for folks
19 and fighting climate change expeditiously. Thank
20 you.

21 CHAIRPERSON CONSTANTINIDES: Thank you,
22 Lynda. Thank you. [inaudible].

23 COMMITTEE COUNSEL: Thank you Lynda. Ah,
24 now I would like to welcome Danielle Manley of Urban
25 Green Council, whose testimony will be followed by
Sonal Jessel of We Act.

2 SERGEANT AT ARMS: Time starts now.

3 DANIELLE MANLEY: Hi. Um, dear Chair
4 Constantinides, Chair Rosenthal, and committee
5 members, first I want to say thank you to Chair
6 Constantinides for all the work that you've done to
7 move climate progress forward in New York City. Um,
8 my name is Danielle Manley. I'm associate of Policy
9 and Urban Green Council. I'm standing in for Chris
10 Hapnick, who couldn't be here today. Urban Green is
11 a nonprofit dedicated to transforming buildings for a
12 sustainable future in New York City and we offer
13 three recommendations related to the oversight of
14 Local Law 97. First is to increase funding the
15 implementation through the Department of Buildings
16 Office of Building Energy and Emissions Performance,
17 or OBEEP. Local Law 97 has the potential to drive
18 billions of dollars of investment in New York City
19 buildings, which will bring important benefits, like
20 lower pollution, lower utility bills, and greater
21 health and comfort for New Yorkers. And that
22 successful implementation of Local Law 97 depends in
23 large part on adequate funding for a dedicated team
24 at OBEEP. Urban Green recently joined in a letter
25 with many other organizations to advocate for more

3 funding for Local Law 97 implementation. OBEEP is
4 doing an excellent job with limited resources, but we
5 remain concerned that the office's staff and funding
6 are not consistent with the tasks at hand, like
7 developing many of the highly technical details,
8 facilitating a large advisory board process, driving
9 out [inaudible] education, and eventually managing
10 compliance and enforcement. The OBEEP leadership is
11 best placed to speak to detailed budgetary needs, but
12 we support increased staffing and dedicated funding
13 for technical analysis to advance the work. The
14 relatively small sums required will repay many times
15 over by driving successful compliance, climate
16 progress, job creation and economic development as
17 New York City recovers from the COVID-19 crisis.
18 Second, we want to ensure that the city leads by
19 example by electrifying public buildings. Over 40%
20 of citywide carbon emissions in New York City come
21 from burning fossil fuels for heat and hot water. To
22 reach our 2050 climate targets we'll need to retrofit
23 many of these buildings to replace fossil fuel
24 systems with highly efficient electric systems,
25 particularly in the multi-family sector. And the
city can help jump start progress on electrification

3 with its own buildings as it upgrades its stock to
4 meet Local Law 97 targets. Specifically, we urge the
5 city to fund a small number of electrification
6 demonstration projects in city buildings, to focus on
7 building types that are relevant to the residential
8 sector, like shelters, senior care, and other
9 buildings with overnight occupancy, to prioritize
10 buildings in environmental justice areas, and to
11 publish project information, including costs and
12 lessons learned. And third, we urge the city to
13 explore new Local Law 97 compliance action to fund
14 energy efficiency and electrification in affordable
15 housing. In the wake of recent efforts to expand
16 renewable energy credit options Urban Green joined
17 with a number of other organizations to call for a
18 city-led exploration of a better approach to provide
19 flexibility, a new compliance for owners to pay into
20 a fund that would deliver approved energy efficiency
21 and electrification upgrades that would otherwise not
22 occur in specified types of affordable housing.
23 Details would need to be worked out with input from a
24 wide range of stakeholders, but this approach would
25 shift the focus from a grid-centered compliance
option to one that would drive investments in New

3 York City buildings in disadvantaged communities that
4 would strengthen the law and help insure that it
5 meets our climate objectives in a practical,
6 practical and equitable manner. We urge the city to
7 explore this option through a working group under the
8 Local Law 97 advisory board process or some other
9 measure. Lastly, Urban Green also supports the bill
10 to require reporting on the city's capital projects,
11 which would bring much greater visibility to capital
12 planning for carbon reductions from city government
13 operations, improving transparency, accountability,
14 and knowledge sharing with the private sector. Thank
15 you for the opportunity to comment today.

16 COMMITTEE COUNSEL: Thank you, Danielle.

17 Ah, and now I would like to welcome Sonal Jessel of
18 We Act for, ah, Environmental Justice, whose
19 testimony will be followed by Nella Pineda-Marcon of
20 the New York State Nurses' Association.

21 SERGEANT AT ARMS: Time starts now.

22 SONAL JESSEL: Thank you, Samara. Um,
23 good afternoon, Chair Constantinides and Rosenthal
24 and members of the council, members of the agency who
25 are present today. Um, first of all, I'll say thank
you to Chair Constantinides for all that you've done

3 for We Act, specifically the, um, amazing ally you've
4 been over the years, even before I started working
5 her. It's been a pleasure to, to work with you and
6 we're very excited for, for you move on to wonderful
7 things. So thank you personally. Um, my name is
8 Sonal. I'm the director of policy at We Act for
9 Environmental Justice. Over the past 32 years We Act
10 has been combating environmental racism in northern
11 Manhattan. Ah, I myself have a master in public
12 health from Columbia University. I'm here as an
13 advocate concerned about communities we serve in
14 northern Manhattan, which is heavily black and
15 African American, Latinx, low-income, hard hit by the
16 COVID-19 pandemic. Um, I'm here to testify to
17 outline, um, what We Act sees as continuing needs and
18 important considerations for Local Law 97. Um, I'm
19 excited by Local Law 97 as an environmental justice
20 advocate because of its potential to reduce local air
21 pollution. That is specifically what we like about
22 this law and what we like about the potential of it.
23 We know across the city it's communities of color,
24 low-income communities, immigrant communities that
25 are impacted by poorer air quality. We have old
buildings that are poorly maintained, inefficient,

3 and some are still spewing those toxins due to dirty
4 fuel oil use, for which there is also a bill we must
5 pass immediately about that. Um, that's 980. The
6 people living in communities with poor air quality
7 have higher rates of chronic illness. Particularly
8 respiratory illness like asthma, um, heart disease
9 are very high. Across the world respiratory illness
10 is a leading cause of death. This is a major issue.
11 Additionally, the impact of climate change is hurting
12 our communities first and worst, as we all know,
13 through heat, flooding, hurricanes, sea level rise,
14 food insecurity, vector-borne diseases, infectious
15 diseases, and more. Um, for these reasons it's vital
16 we not just reduce our greenhouse gas emissions
17 overall, but we really focus on reducing the local
18 air pollution. That needs to stay central motivating
19 goal of Local Law 97 and deciding how we implement
20 it. If we're considering that, then the, the process
21 for implementing it becomes energy efficiency
22 concern. Um, so I'm asking for a few considerations
23 here. First, echoing what other [inaudible] have
24 said around staffing OBEEP. When you only have six
25 staff members I imagine they will be very overwhelmed
by what is to soon come, um, with the process of

3 having thousands of buildings reducing their energy
4 use and coming to this office for help for that. To
5 ensure it's done well, um, you know, we want to make
6 sure people get the resources they need,
7 implementation help, adherence to law is tracked
8 correctly. Ah, we need more staff. We need like
9 double the staff at least. Um, second, we need to
10 not pursue a carbon trading study that leads to any
11 emissions increases in environmental justice
12 neighborhoods as compared to other neighborhoods in
13 New York City. That is so vital. We must also
14 clearly have a plan for evaluating the effectiveness
15 of carbon trading and be prepared with a mechanism
16 and actual guidelines for when we turn carbon trading
17 off if it's not doing what we need it to do. Um,
18 that's something that, you know, I know the carbon
19 trading study is thinking about it, but I think it's
20 really important that our council members also are
21 really aware and watching for that, how are we making
22 sure we turn it off if we need to turn it off. Um,
23 third is the answer to funding Local Law 97 is not
24 renewable energy credits, as a lot of other people
25 have stated, um, with state intervention. It's not
market-based solutions that don't reduce local air

3 pollution and do not improve energy efficiency in
4 buildings. If we want buildings to improve their
5 efficiency we must provide the funds for buildings
6 that can't afford it, um, and particularly for
7 buildings in environmental justice communities,
8 particularly any profits that come from Local Law 97
9 implementation or any related programs such as carbon
10 trading must not go to a general fund, but go into a
11 specific fund specifically for subsidizing the cost
12 of energy efficiency...

12 SERGEANT AT ARMS: Time expired.

13 SONAL JESSEL: ...[inaudible] building
14 owners. Um, so if we want massive energy efficiency
15 improvements to happen we have to make those funds
16 available very quickly and just give it widely, um,
17 so that also echoes what Urban Green was say. Ah,
18 importantly, um, there's a board created specifically
19 to make these decisions, to guide this implementation
20 process. We need look to that board along with those
21 city agencies to make the decision and no
22 circumstance should be, be circumventing this board.
23 Um, so thank you very much for your time, um, and
24 happy to answer any questions, and thank you very
25 much, Chair Constantinides, once again.

3 CHAIRPERSON CONSTANTINIDES: Thank you,
4 Sonal. Thank you for all the work that you're doing.
5 I'm really, you know, value the partnership with We
6 Act and, and thank you for your partnership over the
7 years, and of course I, I miss Cecil [inaudible], so
8 he's always in my thoughts and We Act [inaudible] my
9 thoughts.

10 SONAL JESSEL: Thank you.

11 COMMITTEE COUNSEL: Thank you, Sonal.

12 And now we will turn to, and I'd to welcome to Nella
13 Pineda-Marcon of the New York State Nurses
14 Association, who will, whose testimony will be
15 followed by Carlos Garcia of the New York City
16 Environmental Justice Alliance.

17 SERGEANT AT ARMS: Time starts now.

18 NELLA PINEDA-MARCON: Good afternoon,
19 everyone. My name is Nella Pineda-Marcon and I work
20 as a nurse at Mount Sinai Morningside and Mount Sinai
21 West. I am also a proud union member of the New York
22 State Nurses Association. I serve as the director at
23 large and I'm chair of our climate justice and
24 disaster relief committee. NYSNA represents 43,000
25 nurses across New York State, including 25,000 RNs in
New York City. This includes nurses in all of the

3 city's public hospitals. As nurse on the front lines
4 of patient care we have seen up close the horrors of
5 COVID-19 pandemic. Almost 32,000 people in New York
6 City have died and countless others have been left
7 wounded physically and emotionally. We have seen the
8 deep impact that the pandemic has had on low-income
9 communities of color. The disparities are all
10 encompassing, affecting marginalized communities
11 physically, mentally, and economically. We know that
12 this is just a few, a few, a preview of what lay
13 ahead if we do not take climate change seriously. It
14 is critical that we heed the warning. In fact, we
15 have already seen the destruction that climate change
16 and environmental degradation has had on the health
17 of our patients. Increases in heat have contributed
18 to an increase in hypertension. Pollutants that are
19 being discharged into our city air, causing a steady
20 increase in chronic asthma conditions in our most
21 vulnerable communities. In addition, these
22 communities also face environmental injustices like
23 contaminated water supplies and tainted soil. They
24 are also the one, also the ones that are usually hit
25 the hardest by catastrophic events, such as
Superstorm Sandy, and this is not OK. Let me clear.

3 The New York State Nurses Association is a hundred
4 percent in support of a fossil fuel-free city. We
5 should be doing everything that we can to speed the
6 reality along. We need to move ahead quickly, like
7 our house is on fire, because it is. Let me clear.

8 The New York State Nurses Association is a hundred
9 percent, um, I'm sorry. We are proud members of the

10 Climate Works For All Coalition, a coalition of
11 unions, climate and environmental justice

12 organization, and advocacy groups. We fought hard to
13 ensure that Local Law 97 was enacted and now is not
14 the time to slow down in its implementation.

15 Although the pandemic brought a lot of things to a
16 screaming halt, buildings are still emitting

17 incredibly harm, harmful carbon emissions. Local Law

18 97 will cut down emissions, create good green jobs,
19 and create environmental justice equity.

20 Environmental justice is always a key priority for
21 us. Marginalized black and brown front-line

22 communities often bear the brunt of harmful

23 pollution. Local Law 97 will dramatically reduce

24 this pollutants and will eventually reduce all

25 covered NYC building emissions by 80%. We must limit

the use of harmful trading mechanisms, such as

3 renewable energy credits that ultimately harm
4 environmental justice communities. We have an
5 opportunity with Local Law 97 to create 40,000 good
6 green jobs for New Yorkers. We urge this body to
7 commit to prioritizing labor...

8 SERGEANT AT ARMS: Time expired.

9 NELLA PINEDA-MARCON: ...[inaudible]
10 throughout its implementations. We must start
11 staffing up regardless of any hiring freezes. This
12 should be public jobs and include the hiring of city
13 workers. If we can roll this out with all this
14 critical pieces in place we can ensure that Local Law
15 97 isn't just saving our planet, but is doing so in a
16 most equitable way possible. A real economic
17 recovery is on the horizon and we are confident that
18 implementing Local Law 97 in the ways that we have
19 outlined will only help to spur this on. Thank you
20 for your time and consideration today.

21 CHAIRPERSON CONSTANTINIDES: Thank you
22 for your work and, and the Nurses Association. Thank
23 you, um, for being on the front lines every day. Ah,
24 today is my one year anniversary of being diagnosed
25 with COVID pneumonia and, ah, it was the nurses and
the medical professionals at Mount Sinai, um, that

3 saved me. So I really want to, from the bottom of my
4 heart, ah, for the work that you do every single day,
5 I just want to thank you for your service
6 [inaudible]. Thank you.

7 NELLA PINEDA-MARCON: You're welcome.
8 Thank you.

9 COMMITTEE COUNSEL: Thank you, Nella. I
10 would now like to welcome Carlos Garcia of the New
11 York City Environmental Justice Alliance, whose
12 testimony will be followed by Laid, Jade Lozada of
13 Triage.

14 SERGEANT AT ARMS: Time starts now.

15 CARLOS GARCIA: Thank you, Ms. Swanston.
16 Thank you, Ms. Swanston and, ah, Chair [inaudible],
17 ah, again, I think, ah, [inaudible] of course echoes
18 all the sentiments, ah, of the previous speaker and
19 saying how much of honor it's been to work with you
20 and all the meetings we've had and, and all the
21 ambitious, um, qualities that you put forward, um,
22 that have taken into consideration not only our in
23 put but with other community organizations all around
24 New York City. We very much value that and, and we
25 look forward to, to continuing to work with you in
the future. We know you're going to amazing things

3 everywhere you go, so, we [inaudible], you've always
4 been a friend and, ah, as we say, you're always
5 invited to the cook-out, so please do, ah, please do
6 join. Um, so good morning, again, Chairperson
7 Constantinides and Council Member D. Diaz and
8 [inaudible] Menchaca, and Ulrich, and everyone else.
9 My name is Carlos Garcia, on behalf of the New York
10 City Environmental Justice Alliance. I'm here to
11 testify in support of a complete and, and equitable
12 implementation of Local Law 97. Founded in 1991, ah,
13 NYCEJA is a nonprofit citywide membership network.
14 We [inaudible] a lot of grassroots organizations from
15 low- to middle-income and communities of color in the
16 struggle for environmental justice. Ah, New York
17 City has, ah, New York City Environmental Justice
18 Alliance has a long history in the, the fight to
19 develop a new [inaudible] in New York City and State
20 from its instrumental role in passing the state
21 [inaudible] Community Protection Act, ah, to
22 leadership in passing Local Law 97 through Climate
23 Works For All Coalition. NYCEJA has always
24 prioritized New York City's fight for environmental
25 justice over [inaudible] and we will continue to do
so. Following the passing of Local Law 97 NYCEJA has

3 remained a constant presence in its implementation
4 process, from being an invited group member to active
5 participation in the technical advisory committee
6 tasked with researching the viability of a building
7 level carbon trading compliance mechanism. Through
8 this process NYCEJA has and continues to advocate for
9 Local Law 97's equitable implementation, projected to
10 reduce New York City's building emissions by 80%. We
11 continue to be concerned by false solutions and
12 loopholes of a [inaudible] energy efficiency mandate,
13 including building carbon trading, carbon offsets,
14 unchecked renewable energy credits, and even building
15 level carbon capture technologies. Um, by equitably,
16 ah, enacting Local Law 97 New York City will help
17 create more than 40,000 clean energy jobs that will
18 not only help reduce harmful [inaudible] pollution
19 levels in environmental justice communities, but will
20 also provide New York City the opportunity to
21 establish labor standards through the law's
22 implementation to help out, ah, out-of-work New
23 Yorkers, ah, and providing the help they so
24 desperately need. NYCEJA promises to continue to
25 help by providing feedback and direction to the City
of New York to ensure the city's economic recovery

3 from COVID-19. We'll help the city transition from
4 pollution infrastructure to a cleaner economy through
5 a just transition framework. And, ah, I would like
6 to extend our gratitude for allowing me to play such
7 a crucial role in the formation of New York City's
8 energy polices. I'm looking forward to continuing to
9 be an ally to those who join us in our fight for
10 environmental justice. Ah, so again, thank you so
11 much to everyone and, um, we continue to, to lead
12 and, and fight the good fight.

13 COMMITTEE COUNSEL: Thank you, Carlos.

14 CHAIRPERSON CONSTANTINIDES: Ah, Chair
15 Rosenthal has a question.

16 COMMITTEE COUNSEL: Yes.

17 COUNCIL MEMBER ROSENTHAL: Thank you so
18 much. Um, Mr. Garcia, I just want to ask for your
19 expertise, your, what was your response or thought
20 when you heard the city say that it's met, that 60%
21 of its work has been in EJ communities. Do you
22 think, do you think that was accurate?

23 CARLOS GARCIA: Thank you so much for
24 your question. Ah, no, I, to determine whether it
25 was accurate I, I think it's really tough, right, and
I know we, we tried to meet with DCAS numerous times

3 and we have, I think the last meeting we had was pre-
4 COVID in the winter before, maybe the, it's kind of
5 boring, but it was a long time ago. And I think the,
6 um, the impression that it left us was there was a
7 lot of effort, there was a lot of effort and a lot of
8 development, um, a long time ago. Um, but as of
9 recent, um, there has really been a lack of emphasis
10 on these kinds of programs, not only on solar on
11 community buildings, public buildings, um, but just,
12 just the development of, of its mandates as a whole.
13 So, you know, of course with COVID things have been
14 pushed back and, um, now we're facing a whole set of
15 different types of austerity measures, to a different
16 type of development measures, through restrictions
17 and so on and so forth. I mean, we'd really welcome
18 having another meeting with DCAS and see what updates
19 from our last one that they've made. Um, but, ah,
20 you know, I think I echo everyone when we say most
21 people, including, um, probably yourself, in tis line
22 of work are usually underpaid and overworked, um, and
23 the saying goes for all the [inaudible] that are
24 going to be created and all the people that are gonna
25 be tasked with, with implementing this law, so, um,
again, we, you know, we welcome an update from DCAS

3 and a more detailed, um, analysis of all the work
4 they've done as of late in the last three or four
5 years. Um, and, you know, based on that we can give
6 you a more concrete answer, um, on whether or not,
7 ah, we believe or [inaudible] from the things that
8 they said, ah, obviously in the past and, and even
9 now so today [inaudible].

10 COUNCIL MEMBER ROSENTHAL: I mean, one of
11 the things that I think would help is some sort of
12 tracker by building and by, you know, tool used,
13 whatever it is, to improve, um, efficiencies, you
14 know. So, so one of the things that I think is
15 frustrating is this idea that the city can report on
16 its portfolio, um, rather than individual buildings.
17 Um, which is why I was pressing them on, you know, if
18 you have, if you have the portfolio information
19 surely you have the details that go into it so it
20 wouldn't be so hard to just present by details, at
21 which point we would know the answer as to whether or
22 not this was happening in, ah, EJ communities.

23 CARLOS GARCIA: Absolutely,
24 Assemblywoman. And I, and I think I echo you. I
25 think that, that kind of tool definitely not only
helps transparency and also help targeted procurement

3 approaches to specific areas, right, so understanding
4 what areas are hit hardest by air pollution or what
5 areas even just economically would be the easiest to
6 retrofit and provide efficiencies or, you know,
7 distribute energy resources. Um, again, I would just
8 say, um, you know, providing more guidance to DCAS
9 and, and, and measures so that they kind of are more
10 pressed to make, ah, a program or a tracker like that
11 might be a, a very advantageous tool for all of us
12 that could work in and around in the future.

13 COUNCIL MEMBER ROSENTHAL: You know, they
14 said that they'll be coming out with some sort of,
15 um, road map in the next few weeks. I'll count on
16 you and other of the advocates who are on this Zoom
17 to give us feedback on, on what, what the city puts
18 forth. Um, I'll be really interested to hear your
19 point of view on it.

20 CARLOS GARCIA: I appreciate that. Thank
21 you so much. We look forward to providing the
22 feedback to you.

23 COUNCIL MEMBER ROSENTHAL: Great. Thank
24 you.

25 CHAIRPERSON CONSTANTINIDES: Thank you.
Thank you, Carlos, as well. Thank you for your

3 partnership, and, and I second, ah, Chair
4 Rosenthal's, ah, comments here that, you know, a
5 portfolio is only as good as the pieces that go into
6 it. So it's only as good as the pieces that go into
7 it. Um, so it, it would really sort of benefit all
8 of us understand what buildings are being
9 prioritized, what work is being done. I know that 60
10 million dollars was put in in 2019, and additional
11 dollars were put in in 20, ah, 2020's budget, which
12 is technically FY20 and FY21. But knowing which
13 buildings have been retrofitted and how they've been
14 retrofitted and what are the results of those
15 retrofits would go a long way in us understanding,
16 ah, where, what we're targeting, what the criteria
17 is, and how we're benefitting communities. Because
18 in addition to reducing emissions, ah, we're also
19 gonna see a, a, you know, better air quality in those
20 communities by not burning fossil fuels. So we
21 should be thinking about these issue all the time
22 and, you know, it's not just a big picture fighting
23 climate change, which is extremely important, but
24 it's also about improving the air quality in
25 environmental justice communities and in every
community as we do these retrofits.

3 COMMITTEE COUNSEL: Thank you.

4 CARLOS GARCIA: I, I was muted. Yeah, I
5 know, I, I, Chairman, I, I, ah, completely agree with
6 you and I think, again, right, that level of detail
7 is important and that level of detail would be great.
8 Um, it just requires, um, that and funding. You
9 know, that level of energy impact assessments on how,
10 um, impactful different types of strategies for
11 energy efficiency, just energy demand-side management
12 strategy as a whole. Um, it's, it's very
13 technically, um, intensive and so, you know, I think
14 that's something that we would absolutely love to
15 help, um, develop, something that we would absolutely
16 love, ah, to be in the conversation about what areas
17 to, to analyze first or what buildings to really
18 monitor first that are really going to be most
19 insightful to how we move forward in, in our stride
20 to procurement, ah, procurement. Um, so, yeah,
21 again, I, I, we echo the, the same sentiment that of
22 course more, more detail and granularity, um, and,
23 and program implementation is, is always better and,
24 ah, again, we, we welcome the, the ability to
25 participate as, ah, the discussion project

3 development discussion level in, in any sense. So
4 thank you again.

5 COMMITTEE COUNSEL: Thank you, Carlos. I
6 would now like to welcome Jade Lozada of Triage,
7 whose testimony will be followed by Alex Shapanka of
8 the Real Estate Board of New York.

9 SERGEANT AT ARMS: Time starts now.

10 JADE LOZADA: Thank you for the
11 opportunity to speak today. My name is Jade Lozada
12 and I'm a policy organizer of Triage, which is a
13 youth climate organization that is also a member of
14 the Climate Works For All Coalition. First, I want
15 to thank both of the chairs. Um, in the summer of
16 2019 I heard both of you speak, Chair Rosenthal, at
17 the New York Historical Society during a Girls Right
18 Now event, and Chair Constantinides at the New York
19 Society for Ethical Culture because I was one of the
20 climate strike organizers. I was really grateful to
21 hear both of your visions for the city and it made me
22 so happy and lucky to be under your leadership as a
23 New Yorker. Um, so, yeah, and it was my introduction
24 to the world of like local politics. So thank you.
25 When the council passed Local Law 97 as part of the
2019 Climate Mobilization Act everyone saw the

3 benefits that it could provide - up to 40,000 green
4 jobs and 80% reduction in building emissions, and
5 better environmental standards for front-line and bi-
6 PAC communities. But looking further down the road,
7 Local Law 97 is not about the current state of our
8 city, but where we want to be and what will be for
9 our children and grandchildren. Young New Yorkers
10 should not have to rely on buildings or any other
11 infrastructure that help destroy their own future. A
12 strong Local Law 97 means a better future for my
13 generation while shortcuts and false promises, like
14 renewable energy credits, only hid the harm being
15 done to communities in peril. Funding NYCHA
16 retrofits, stopping cap and trade, and fully
17 investing in OBEEP ensures that the spirit of the law
18 is upheld. As we've watched many of our parents lose
19 their jobs over the last year or older siblings
20 struggled to enter the workforce in a recession we
21 question the security of our own futures. Not only
22 would Local Law 97 put many of our family members
23 back to work, it would provide an employment path for
24 the 60,000 annual high school graduates entering an
25 economic recession and it would signal to youth that
New York City cares, that City Council is not afraid

3 to take on the ambitious programs that we as young
4 people desperately need, and that our economic
5 futures will help mitigate the greatest threat of our
6 time. Thank you very much.

7 COMMITTEE COUNSEL: Thank you, Jade. Ah,
8 and I would now like to welcome Alex Shapanka of the
9 Real Estate Board of New York, whose testimony will
10 be followed by Ryan Monell, also of the Real Estate
11 Board of New York.

12 SERGEANT AT ARMS: Time starts now.

13 ALEX SHAPANKA: Ah, thank you for the
14 time and the opportunity. I'm actually going to
15 defer my time to my colleague, Ryan Monell, because
16 we only prepared one statement, so, Ryan, if you
17 would like to be unmuted I'll defer to you.

18 SERGEANT AT ARMS: Time starts now.

19 RYAN MONELL: Well, thanks, Alex, and,
20 ah, we'll, we'll both be available for questions.
21 But, ah, Chair Constantinides, Chair Rosenthal,
22 members of the committee, thank you for the
23 opportunity to testify today, and congratulations as
24 well to, ah, Councilman Constantinides for, ah, your
25 tenure in the council and, and for your future
endeavors. Ah, looking forward to working with you

3 in the future. Ah, REBNY agrees with the council's
4 intentions of decarbonizing New York's building
5 stock. As many of our colleagues in environmental,
6 environmental justice, um, have just outlined, this
7 work is imperative for New Yorkers, particularly our
8 most marginalized residents. But the approach it
9 adopted is deeply flawed and needs to be amended if
10 we have any hope of achieving a more sustainable and
11 equitable New York City by the time table mandated.
12 Local Law 97 generalizes building types and usages
13 without taking into account the densities of the
14 occupancy, tenant energy consumption, and the carbon
15 intensity of the energy inputs, most of which are
16 beyond a building owner's control, but will result in
17 an owner being penalized, in some cases millions of
18 dollars, come 2024 for any failure to comply.

19 Paradoxically, the council ultimately decided to
20 impose rigid carbon limits on private building
21 owners. It gave itself a percent reduction model
22 resemblance. The city is holding private building
23 owners accountable for limiting their carbon
24 emissions, but was not willing to hold itself to the
25 same standard. With no discernible plan to retrofit
each building it owns, the city's apparent strategy

3 to comply with its most, more practical standard
4 starts and ends with buying hydropower from Canada, a
5 maneuver that widely critiqued by environmental
6 advocates, something the de Blasio administration has
7 yet to make this investment a reality. The city has
8 failed to live up to its environmental commitments.
9 Its own data shows New York City has moved backward,
10 not forward. The city's carbon emissions have gone
11 up in the last few years and remain effectively
12 unchanged since the Bloomberg administration.

13 Instead of reducing carbon emissions, the city simply
14 increases taxes on many owners. It will,
15 unfortunately, likely now be the responsibility of
16 the mayor and the City Council to develop a real plan
17 to address our climate crisis. Council Member
18 Rosenthal, Rosenthal's preconsidered legislation
19 being heard today would be a good start. We are
20 ready, willing, and waiting to work with the council
21 and the city to seriously deal with our urgent
22 environmental issues. And we appreciate the
23 opportunity to testify, and appearance any questions
24 you may have. Thank you.

25 COMMITTEE COUNSEL: OK. Chair Rosenthal.

2 COUNCIL MEMBER ROSENTHAL: Thank you.

3 Yeah, I just have a quick question. Um, where, do
4 you, um, appreciated your testimony. I'm wondering
5 about the, um, and, and kind words about my
6 legislation. I do think it will help us understand
7 what the city is doing better, so thank you for that.
8 I'm wondering if remedy as a body, as a trade
9 association, has done work, um, of looking around the
10 country and the world for best practices to reduce
11 carbon emissions for, um, buildings to see what's
12 happening in other places and how we can, how you
13 can, you know, help your buildings achieve these
14 goals.

15 RYAN MONELL: Certainly, yeah. I, I
16 think, you know, first and foremost, you know, what
17 your legislation intends to do, which is creating
18 greater accountability and, and transparency around,
19 you know, where capital dollars are being spent, but,
20 but also, ah, and perhaps more importantly, or
21 equally as important, you know, what is being done to
22 make sure we're lowering the emissions levels of, of
23 city-owned buildings. Um, and, and we share, um, in
24 that priority, ah, because we understand how
25 important it is to really do what we need to do to

3 make sure, um, you know, we're, we're creating a more
4 sustainable city. Um, I'm going to turn it over to
5 my colleague, Alex, if it's OK, Samara and, and Chair
6 Rosenthal, Chair Constantinides. He might have some
7 insight on your question.

8 ALEX SHAPANKA: Thank you, and sorry we
9 have do unmute game tag here. Um, you know, some,
10 some of our members have shown leadership [inaudible]
11 inventing the first LEED Platinum building in the
12 world, ah, the first high-rise [inaudible] tower in
13 the world.

14 COUNCIL MEMBER ROSENTHAL: Sorry about
15 that.

16 ALEX SHAPANKA: Did, did you hear me, or?
17 That's OK. So, ah, I can restart. So the point is
18 that I think a lot of...

19 COUNCIL MEMBER ROSENTHAL: Thank you.

20 ALEX SHAPANKA: ...our membership has
21 demonstrated leadership and actually is on the
22 forefront of, of, to answer your questions, like
23 we've, some of our members have invented the first
24 LEED Platinum building in the world, the first, ah,
25 high-rise [inaudible] house building, or high-rise
building that [inaudible] health standards. And I

3 think the real question, and if I can be so bold as
4 to put words into your mouth, Council Member, is that
5 I think the real challenge that I don't think we have
6 an answer for or even the City Council has an answer
7 for is how to retrofit the 950,000 buildings that are
8 not addressed by Local Law 97. I think that's going
9 to be the largest challenge that we face in terms of
10 financing and taxable application, because those
11 buildings account for more than half, or around half
12 of the city's carbon emissions in the built
13 environment, and those still remain unregulated. And
14 I think our membership is, is working towards and is
15 willing to make the concessions necessary and has
16 been doing the, the retrofit work, I think, probably
17 for nearly 20 years in many of the portfolios but
18 from their own, um, corporate standards. But I think
19 with the real challenge that we'd be willing to
20 brainstorm with you all and we'd be willing to make
21 our membership available, ah, is for [inaudible] how
22 do you address the smaller buildings below 25,000
23 square feet and how do you get those, um, retrofitted
24 to, to improve the air quality in those communities,
25 because we think a lot of the [inaudible] if you map
out where those buildings are, largely are in

3 communities of color, environmental justice
4 communities that aren't really impacted or covered by
5 this law.

6 COUNCIL MEMBER ROSENTHAL: So what I'm
7 hearing you say, Alex, is that, um, the problem isn't
8 the 90,000 buildings that you think your members, you
9 know, the, these, these larger buildings will be able
10 to get there. You've got some real leaders in the
11 city who are paving the way for others. They have
12 good models, um, for how to achieve these goals, but
13 the larger problem is the, the actual problem is, is
14 all the buildings that are not touched by this bill.
15 Is that what I heard you say?

16 ALEX SHAPANKA: I wouldn't go so far as
17 to say there's not a problem. The 5% of buildings
18 that are covered by the law do account for half the,
19 the built environment's carbon emissions. I think
20 the, the challenge is, I think those owners have the,
21 the capability and have a plan to reach them. I
22 think they're trying. I think some of the, the
23 metric that was adopted under Local Law 97 is
24 extraordinarily unachievable for some of the more
25 energy efficiency, ah, energy efficient buildings in
the city, primarily because the metric doesn't

3 account for density of occupancy, the type of work
4 that's being done in the building, or the energy
5 inputs, or the carbon intensity of the energy inputs,
6 so electricity and district steam. I think for most
7 commercial buildings in the city about 50% of the
8 carbon emissions related to them are, come from
9 things beyond, come from the, um, carbon of the
10 energy inputs, which is electricity and district
11 steam, which is beyond, ah, a building owner's
12 controls to be able to retrofit. So you have some
13 really energy efficient buildings that are gonna pay
14 a couple of millions of dollars in fines until the
15 energy inputs get cleaned. So I think in the short
16 term it's really hard for some of those buildings to
17 comply with the law.

18 COUNCIL MEMBER ROSENTHAL: I'm sorry
19 again. I'm just wanting to make sure I'm hearing
20 you. So 5% of the 90,000 have that hurdle.

21 ALEX SHAPANKA: Sorry. 5% of buildings
22 in the city are covered by Local Law 97. I would...

23 COUNCIL MEMBER ROSENTHAL: Oh, sorry,
24 sorry. So of the 90,000, I don't know why I have
25 that. So of the 5% of the buildings how many are
gonna have that challenge?

2 ALEX SHAPANKA: That I don't know off the
3 top of my head, but I, ah, from our membership
4 anecdotally there's a lot.

5 COUNCIL MEMBER ROSENTHAL: I mean, I know
6 of one on the West Side. So I'm curious...

7 ALEX SHAPANKA: Ah, I can name, I could,
8 if you want to talk offline I can...

9 COUNCIL MEMBER ROSENTHAL: Sure.

10 ALEX SHAPANKA: ...give you some, some
11 examples.

12 COUNCIL MEMBER ROSENTHAL: Yeah, I mean,
13 I think it's important to know that. But, but it
14 sounds like and, again, don't know what a lot means,
15 but, um, I'm just trying to understand of the 5%
16 that, ah, cover 50% of carbon emissions, um, I hear
17 this one challenge, um, would like to learn more, but
18 um.

19 RYAN MONELL: Yeah.

20 ALEX SHAPANKA: I think [inaudible] is
21 just to underscore the fact...

22 COUNCIL MEMBER ROSENTHAL: [inaudible].

23 ALEX SHAPANKA: ...that there's for, one,
24 that's there more buildings that need to be covered
25 and the city has no plan to do that right now, and

3 we're happy to, to brainstorm and help you figure out
4 a way to, to achieve that. And, two, those that are
5 covered some in the very short term have no way to
6 comply but to pay penalties just because of the
7 carbon inputs to their building.

8 COUNCIL MEMBER ROSENTHAL: Sure, sure.

9 ALEX SHAPANKA: That's it.

10 COUNCIL MEMBER ROSENTHAL: I mean, of
11 course, you know, the city would be interested in
12 hearing a little bit more of those. But, about
13 those. But for the others, um, it sounds like
14 they're on their way to getting it done.

15 ALEX SHAPANKA: Yep.

16 COUNCIL MEMBER ROSENTHAL: Great. OK.
17 Thank you. Very, very helpful. Thank you.

18 ALEX SHAPANKA: Thank you.

19 CHAIRPERSON CONSTANTINIDES: I see
20 Councilman Gennaro has a question.

21 SERGEANT AT ARMS: Time starts now.

22 COUNCIL MEMBER GENNARO: Thank you. Yes,
23 I, I listened to your testimony with great, um, um,
24 um, with great interest and, um, you know, I, I, I
25 was just, ah, sworn in in February. Of course, I did
a lot of these, um, you know, um, I did a lot of

3 bills in this area when I was, when I was on the
4 council. But you, um, said something that, you know,
5 caught my attention, that, ah,, um, Council Member
6 Rosenthal got into a little bit. But, ah, I want to
7 push you a little more. Um, when you talk about some
8 of the most energy efficient buildings getting jammed
9 up by Local Law 97 with regard to, ah, inputs to
10 their buildings that they don't control, could you
11 just kind of like elaborate on that a little more,
12 and how, and, and, and how state-of-the-art are these
13 buildings that you're talking about that could be
14 subject to penalties.

15 ALEX SHAPANKA: Sure.

16 COUNCIL MEMBER GENNARO: And just, and,
17 you know, whether it's, um, appropriate to talk about
18 it right here, right now, just give me like a little
19 flavor and then we can follow up on this. But, um,
20 what are we talking about and, and, and what, what,
21 what caliber buildings in terms of, ah, and, and how,
22 you know, green they have been constructed, um, would
23 be subject to penalties. If you could just kind of
24 probe that just a little bit, like not so much to
25 make a whole dissertation on, but just give me a
little flavor for that.

3 ALEX SHAPANKA: Of course. So I think
4 something that's been widely covered, and I think
5 we've seen in on the cover of *New York Times* and the
6 *Washington Post*, so feel free. I think we can
7 mention it explicitly here, is One Bryant Park, which
8 is the country's first LEED Platinum building, is set
9 to pay over 2 million dollars in fines annually,
10 starting in 2024, which is a hyper energy efficient
11 building, but it also happens to be the Bank of
12 America Tower. Because they have 24/7 trading floors
13 and their hyperdensity within the building itself,
14 and because of the servers within the building their
15 electrical consumption in the building outpaces a lot
16 of other, like commercial occupancies, so a, a law
17 firm, for example, might be the same specs as One
18 Bryant Park, but because it's spaced out and because
19 the type of use and the times of use within the
20 building it has no problem complying with Local Law
21 97. But there's not much else that you can do to
22 some building like One Bryant Park in the next five
23 years, 10 years, until the energy inputs are clean.

24 COUNCIL MEMBER GENNARO: Ah, and, and,
25 and how many buildings would, would, would this
affect? Is this like a, is this a phenomenon or is

3 this just, you know, reserved for a handful of
4 buildings?

5 ALEX SHAPANKA: So within our membership
6 there's quite a few. I, I, we can look at the data
7 that we have and, and get back to you. Similarly
8 with, ah, Council Member Rosenthal, we can have a
9 conversation. Um, don't know it off the top my head.
10 We can look it up, though. And I think the city
11 might be able to tell us based on, you know, come
12 July 1 there's supposed to be an application deadline
13 for, um, alternative compliance themes or, ah,
14 adjustments to your carbon caps for buildings that
15 have shown that they can't become more energy
16 efficient and comply with the law. Um, but we're
17 still waiting for those applications or guidance to
18 come out. So maybe once that's out if we, you know,
19 REBNY can tell you about our membership, but the city
20 will probably be able to tell you, ah, the larger
21 scope of buildings that might not be able to comply
22 because whenever that comes out.

23 RYAN MONELL: But just to add to that,
24 Council Member, I mean, just to create more clarity
25 around the question and provide you with an answer, I
mean we're hearing, ah, substantial concerns from our

3 membership that, you know, come 2024 they're, they're
4 going to be, there's gonna be an inability to comply,
5 which is really not what, what our members want. I
6 mean, our members want to be sustainable. They want
7 to find solutions. They want to work with the city
8 [inaudible] to, to lower emissions. Um, it just
9 looks like they're going to be paying fines here come
10 2024. So, ah, not anecdotal, we can get you more
11 information that's data driven, um, offline, but
12 something we certainly want to work with, with the
13 council and the city to, to help.

14 COUNCIL MEMBER GENNARO: Thank you.

15 Thank you, our time has expired. But thank you very
16 much.

17 COMMITTEE COUNSEL: Ah, at this time I'd
18 like to ask if there's anyone else who's registered
19 to testify but whose name I have not called. If so,
20 please raise your hand using the Zoom raise hand
21 function. All right, seeing none, I will turn it
22 over to Chair Constantinides for any closing remarks.

23 CHAIRPERSON CONSTANTINIDES: Ah, Chair
24 Rosenthal, do you have any closing remarks before I
25 go?

3 COUNCIL MEMBER ROSENTHAL: I could keep
4 going on about gratitude for you and your tenure here
5 on the council, um, for a little while longer. Um,
6 which obviously I just did. But I also want to thank
7 again the staff who helped put this together. I see
8 Rebecca Chasen, um, John Seltzer, Nathan, ah, Toth,
9 and Noah Brick, and also my staff, um, Lathery
10 Shukla. Thank you very much.

11 CHAIRPERSON CONSTANTINIDES: Thank you,
12 Chair Rosenthal. And thank you for your great
13 partnership on this legislation and many other pieces
14 of legislation over the years. Um, one of the things
15 I'm gonna miss most about the council is, is working
16 with colleagues like you, and, and you've been a
17 great friend and a great colleague over the years.
18 So I know you'll continue to do great things in the
19 council and, and I'm gonna to look forward to
20 catching up with you, ah, when the world allows. Ah,
21 so, I mean, I think we have today really sort of
22 begun to probe issues around the local law compliance
23 as far as the city level, and I know that we're gonna
24 hold, ah, New York City to a high standard. Ah, you
25 know, a portfolio, as we said earlier, is only as
good as the pieces that go into it. And I think the,

3 the pre, ah, considered introduction today will go a
4 long way in ensuring that we understand which
5 buildings are getting retrofitted and how we're doing
6 that and ensuring that New York City continues to
7 lead the way on Local Law 97 implementation. Um, so
8 really I just want to thank, ah, Speaker Corey
9 Johnson, who's been a great environmental leader in
10 his own right, and thank him for the opportunity that
11 he's given me over the years to be chair of this
12 great committee and, you know, to be able to have
13 passed 58 bills through this committee since we've
14 begun my chairmanship and the past 44 bills. Ah,
15 thank you, Speaker Johnson. Ah, thank you, Speaker
16 Mark-Viverito, ah, for your great work and
17 partnership over the years. Ah, thank you to all the
18 staff again. Ah, Samara Swanston, thank you, thank
19 you, thank you. Ah, we've known each other a long
20 time and it's your commitment to the people of the
21 City of New York has always been unwavering. Thank
22 you, Samara, for being amazing. And Nadia, thank
23 you, Nadia Johnson, thank you for being an amazing
24 policy analyst, ah, and, and a great partner, ah, for
25 getting these big pieces done. Ah, Ricky Charla and,
and Jonathan Seltzer as well. Ah, thank you for

3 making this committee what it is and the work that
4 you do. Ah, and to, ah, my staff, ah, Nicholas
5 Wizowski, ah, my, my legislative director and counsel
6 who's worked on all [inaudible] legislation. And my
7 brother and my, my partner in this through the whole
8 way, so all I can say is, you know, the success that
9 we've shared in this committee are all of yours. Um,
10 so, ah, you should own them and be so very proud.
11 And I'm proud to have known you and worked with you.
12 And, ah, to each member of my staff, thank you. Ah,
13 to all Sergeant at Arms. Ah, Helen Rosenthal's
14 staff, ah, thank you. Ah, central staff, you are
15 great amazing public servants that every single day
16 wake up and, you know, we get to be on the outside,
17 right, we get to be our, we're constantly front
18 facing as council members, but as staff members, the
19 central staff of the City Council do so much every
20 single day. Your amazing public service is what
21 makes this institution work. Without you our work
22 does not go as far. Um, thank you to the great
23 public servants that each and every one of you are in
24 central staff that do this great work. I applaud
25 you. I am in awe of you. Thank you for doing it.
And, and to the amazing advocates, um, and I'll give

3 more round of applause to central staff, but to the
4 amazing advocates that take of their time and have
5 been partners over the years. If I start naming
6 names I'm gonna get myself in trouble, so I won't do
7 that. I'll just say thank you for, ah, being the
8 amazing advocates that you are and partners and, you
9 know, passing Local Law 97 was a large part of
10 working with the advocates and getting these, these
11 big pieces done. Ah, but the work continues. And
12 this work will, was always supposed to continue after
13 my tenure and will continue well into the future,
14 it's something that, but you'll be holding us all
15 accountable. And I'll be joining you in that private
16 sector to hold New York City accountable. So thank
17 you for the work that you do, and with that I will
18 take my son's, he gave me this gavel, ah, to chair,
19 to chair the last hearing. So I will gavel this
20 committee hearing of the Environmental Protection
21 Committee for my last time as chair. Thank you,
22 Council Member Gennaro, as well, um, for passing me
23 this gavel over the years. Ah, I'll gavel this
24 committee hearing of the Environmental Protection
25 Committee closed for the last time. [gavel]

COMMITTEE ON ENVIRONMENTAL PROTECTION JOINTLY
THE SUBCOMMITTEE ON CAPITAL BUDGET

127

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 6, 2021