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**Committee on Environmental Protection**

Hon. James F. Gennaro, Chair

**December 1, 2021**

**Int. No. 265:** By Council Members Brannan, Rosenthal, Kallos, Reynoso and Dromm (by request of the Queens Borough President)

**Title:** A Local Law in relation to limiting nighttime illumination for certain buildings

**Int. No. 271:** By Council Members Brannan, Rivera, Rosenthal, Reynoso, Dromm and the Public Advocate (Mr. Williams) (by request of the Queens Borough President)

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to reducing unnecessary illumination in city-owned and city-controlled spaces

**Administrative Code:** Amends by adding a new section 4-211,

**Int. No. 274:** By Council Members Rosenthal, Rivera, Reynoso, Brannan, Dromm and the Public Advocate (Mr. Williams) (by request of the Queens Borough President)

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to nighttime illumination during peak avian migration periods

**Administrative Code:** Amends by adding a new section 4-211

**Int. No. 2180:** By Council Members Powers, Kallos, Yeger and Cornegy

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to results of noise inspections.

**Administrative Code:** Amends section 24-207

**Int. No. 2190:** By Council Members Powers, Kallos, Yeger and Cornegy

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to providing noise inspection reports

**Administrative Code:** Adds a new section 24-217.2

**Int. No. 2460:** By Council Member Gennaro

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation

**Administrative Code:** Amends section 24-907

1. **Introduction**

On December 1, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, will hear several legislative items, including Int. No. 265, in relation to limiting nighttime illumination in certain classes of buildings; Int. No. 271, in relation to reducing unnecessary illumination in city-owned and city-controlled spaces; Int. No. 274, in relation to establishing curfews for nighttime illumination in city owned buildings during peak avian migration periods; Int. No. 2180, in relation to results of noise inspections; Int. No. 2190, in relation to providing noise inspection reports; and Int. No. 2460, in relation to the enforcement of environmental remediation plans on local brownfield sites and the rules of the Office of Environmental Remediation; Those invited to testify include representatives from the Department of Buildings (DOB), the Department of Environmental Protection (DEP), wildlife and environmental advocates, and other interested parties.

1. **Background**

According to the Audubon Society, New York City (the City) is located at a point of concentration on the Atlantic Flyway bird migration route,[[1]](#footnote-1) which stretches from the Canadian Arctic Archipelago to the southern tip of South America.[[2]](#footnote-2) Twice a year, migratory birds fly along this path, northward from wintering grounds to breeding grounds in spring, and south toward warmer climates in the fall.[[3]](#footnote-3) Nearly four hundred distinct species are known to traverse the Atlantic Flyway during their seasonal migrations, including 11 species listed as critically endangered, endangered, or vulnerable by the International Union for the Conservation of Nature.[[4]](#footnote-4) Annually, more than two hundred species of birds are known to transit through the New York City metropolitan area, and over four hundred species have been recorded in New York City by local bird watching enthusiasts.[[5]](#footnote-5) The City’s over five hundred miles of coastline and wide variety of habitat archetypes mean that many migrating bird species are attracted to the area for resting and refueling along their journeys, leading to Jamaica Bay being designated a high-priority Global Important Bird Area by Birdlife International and the Audubon Society.[[6]](#footnote-6)

As many migratory bird species fly during the night, navigating by starlight, the City’s brightly illuminated buildings have the potential to significantly disrupt flight routes, leading to disorientation and wasted energy resources as birds fly in confusion.[[7]](#footnote-7) This wasted energy can lead directly to bird fatality, resulting in fewer birds able to complete their journeys successfully.[[8]](#footnote-8) A study published in the Proceedings of the National Academy of Sciences of the United States of America (PNAS), found that the annual memorial September 11th tribute display led to the aggregation of unusually high concentrations of migrating birds at densities 20 times that of surrounding areas, as well as disruptive behavior changes such as circling, stress vocalizations, and decreased flight speeds. The lights were also found to draw birds in from surrounding areas,[[9]](#footnote-9) where Audubon observers have witnessed “hundreds of confused birds circling endlessly, as though they were trapped inside” the beams of light.[[10]](#footnote-10) Thankfully it seems that shutting off these sources of light pollution, even for intervals as brief as 20 to 30 minutes, allows for trapped birds to escape, greatly reducing bird density in the area.[[11]](#footnote-11) Reducing the duration and prevalence of nighttime lighting also reduces overall energy consumption, and can help the City meet its emissions reductions goals.[[12]](#footnote-12)

**III. Legislation**

**Int. No. 265,** in relation to limiting nighttime illumination for certain buildings,would prohibit the nighttime illumination of the exterior or interior of certain classes of buildings, except when building owners have demonstrated a need for night security lighting, when buildings are occupied by individuals, and when nighttime illumination is required by law, rule, or zoning resolution. The bill would permit landmarked buildings to apply to the Landmark Preservation Commission for relief from its requirements if such building is a significant part of the city’s skyline. The local law would also prohibit the illumination of seasonal lighting and lighted storefront displays after midnight. Violators would be subject to a $1000 civil penalty. This local law would take effect 120 days after enactment, except that the relevant agencies shall undertake the promulgation of rules prior to such date.

**Int. No. 271,** in relation to reducing unnecessary illumination in city-owned and city-controlled spaces,would reduce unnecessary illumination in city-owned and city-controlled spaces by creating a phased timeline stipulating that 50% of city-owned and city-controlled buildings comply with occupancy sensor installation requirements by 2020, 80% by 2025, and 100% by 2030. The legislation would also require the Department of Citywide Administrative Services to submit an annual report to the Mayor and the Speaker of the City Council outlining changes in the number of covered buildings, percentage of compliant buildings, and the number of buildings that became compliant in the previous calendar year. This local law would take effect immediately.

**Int. No. 274,** in relation to nighttime illumination during peak avian migration periods,would mandate that city owned buildings turn off non-essential outdoor lighting between the hours of 11:00pm and 6:00am during peak avian migration periods, from April 15 to May 31, and from August 15 through November 15 of each year. The local law would take effect immediately.

**Int. No. 2180,** in relation to results of noise inspections, would mandate that DEP publish the results of their noise inspections online within 24 hours after they have been completed. This local law would take effect immediately.

**Int. No. 2190,** in relation to providing noise inspection reports, would require DEP and the New York Police Department to give a copy of the noise inspection report created after a 311 noise complaint to anyone who requests the report and provides the 311 tracking number. The person requesting the noise inspection report would not have to submit a Freedom of Information Law request to receive the report. This local law would take effect 120 days after it becomes law.

**Int. No. 2460,** in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation,would grant the New York City Mayor’s Office of Environmental Remediation the authority to issue civil penalties of no more than $25,000 against any persons or entities that violate the provisions of a site management plan for a local brownfield site or the rules of the Office of Environmental Remediation. The civil penalty would be recovered through a court action or a proceeding before an administrative tribunal, to be commenced by a notice of violation or by the service of an administrative summons. The legislation would also grant the director of the Office of Environmental Remediation the power to designate other city agencies to issue administrative summonses and notices of violation, and authorize designees of the office to enter private property to conduct inspections. This local law would take effect 90 days after it becomes law.

**IV. Conclusion**

During today’s hearing, the Committee hopes to hear testimony from the relevant city agencies and environmental advocates on the legislation being heard, Int. No. 265, Int. No. 271, Int. No. 274, Int. No. 2180, Int. No. 2190, and Int. No. 2460

Int. No. 265

By Council Member Brannan, Rosenthal, Kallos, Reynoso and Dromm (by request of the Queens Borough President)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to limiting nighttime illumination for certain buildings

..Body

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| Be it enacted by the Council as follows: Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-116.2 to read as follows:§ 24-116.2 Limitations on nighttime illumination. a. As used in this section, “night” means the period of time beginning at sunset and ending at sunrise.b. No exterior or interior of a building whose main use or dominant occupancy is classified in group B or M pursuant to the New York city building code may be illuminated at night, except as follows:1. This subdivision shall not apply to small stores, as such term is defined in section 20-910.2. An owner of a building that is a landmark, as such term is defined in section 25-302 of the code, and twenty or more stories in height may apply to the landmarks preservation commission for relief from the provisions of this section for such building. If such commission finds that such building is a significant part of the city’s skyline, as determined pursuant to rules promulgated by such commission, such commission may, after consultation with the department, waive or vary the provisions of this section for such building.3. Upon a showing by a building owner that special circumstances indicate a need for night security lighting for such building, the department may waive or vary the provisions of this section for such building to the minimum extent necessary to accommodate such lighting. The department shall, in coordination with the police department and the department of buildings, promulgate rules defining such special circumstances. 4. Where individuals are inside of a building at night, such building’s interior or exterior may remain illuminated until such individuals exit such building.5. This subdivision shall not prohibit illumination of a building’s interior or exterior at night where such illumination is required by law, rule or the New York zoning resolution.6. Storefront display windows containing temporary seasonal displays may be illuminated until midnight or until the last individual within the building exits, whichever occurs later.7. Storefront display windows, other than those containing temporary seasonal displays, may be illuminated at night, provided that (i) such illumination does not exceed fifty watts per linear foot of the window perimeter until midnight and does not exceed twenty-five watts per linear foot of the window perimeter after midnight, (ii) no more than twenty percent of the luminaires providing such illumination are located more than fifteen feet from the window, and (iii) each luminaire used for such illumination has a luminous efficacy greater than thirty lumens per watt.c. An owner or operator of a building found to be in violation this section shall be subject to a civil penalty of one thousand dollars for each violation.d. The department shall enforce the provisions of this section.§2.  This local law shall take effect 120 days after enactment, except that the commissioner of environmental protection and chair of the landmarks preservation commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date. SS / BMInt. 578-2014 / LS 2187 / Int 7-2010LS# 1831/5/2018 2:54PM  Int. No. 271By Council Members Brannan, Rivera, Rosenthal, Reynoso, Dromm and the Public Advocate (Mr. Williams) (by request of the Queens Borough President)..TitleA Local Law to amend the administrative code of the city of New York, in relation to reducing unnecessary illumination in city-owned and city-controlled spaces..BodyBe it enacted by the Council as follows:

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| Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:§ 4-211 Limitation on lighting in city-owned and city-controlled spaces. a. As used in this section:“Compliant building” means a building in which all covered spaces comply with the occupancy sensor requirements of section C405.2.2.2 of the New York city energy conservation code for new construction.“Covered building” means a building that (i) contains any covered space and (ii) is located in the city.“Covered space” means space that (i) if newly constructed, would be required to comply with the occupancy sensor installation requirements of section C405.2.2.2 of the New York city energy conservation code and (ii) is located within a city-owned building or a building that is leased or operated by the city under an agreement that would authorize the city to install occupancy sensors in accordance with such section.b. Existing covered spaces shall comply with the occupancy sensor installation requirements of section C405.2.2.2 of the New York city energy conservation code for new construction as follows:1. by January 1, 2020, at least 50 percent of covered buildings shall be compliant buildings;2. by January 1, 2025, at least 80 percent of covered buildings shall be compliant buildings;3. by January 1, 2030, all covered buildings shall be compliant buildings.c. By March 31 of 2021 and every year thereafter until 2030, the department of citywide administrative services shall, with the cooperation of all relevant agencies, report to the mayor and the speaker of the council the following information:1. the number of covered buildings as of the end of the previous calendar year;2. the number of compliant buildings and the percentage of covered buildings that are compliant buildings, as of the end of the previous calendar year; and3. the number of covered buildings that became compliant buildings during the previous calendar year.d. Every three years after the enactment of this legislation, the department of citywide administrative services shall, with the cooperation of all relevant agencies, report to the mayor and the speaker of the council on the energy saved as a result of the installation of occupancy sensors pursuant to this section.§ 2. This local law shall take effect immediately.SS/JJLS #2341/Int. 0693-2015LS #186 01/05/2018 4:54PM  |

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|  Int. No. 274 By Council Members Rosenthal, Rivera, Reynoso, Brannan, Dromm and the Public Advocate (Mr. Williams) (by request of the Queens Borough President) A Local Law to amend the administrative code of the city of New York, in relation to nighttime illumination during peak avian migration periods Be it enacted by the Council as follows: Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 read as follows:§ 4-211 Limitation of nighttime illumination in city-owned buildings during peak avian migration periods. For city-owned buildings, non-essential outdoor lighting, as such term shall be defined by rule of the department of citywide services, shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. from April 15 through May 31, and from August 15 through November 15, of each year.§ 2. This local law takes effect immediatelySS (2015)/MMB (2018)LS # 5178/Int. 1073-2016NEW LS # 1951/5/18; 5:52 p.m.Int. No. 2180By Council Members Powers, Kallos, Yeger and Cornegy..TitleA Local Law to amend the administrative code of the city of New York, in relation to results of noise inspections...BodyBe it enacted by the Council as follows:Section 1. Section 24-207 of the administrative code of the city of New York, as amended by local law number 53 for the year 2018, is amended to read as follows:(f) The commissioner shall publish on the city's website:(i) the manner by which noise levels shall be measured during inspections conducted pursuant to this section and in accordance with section 24-217.1 which shall be available online[.] and(ii) the results of each inspection, which shall be available online within 24 hours after such inspection has been completed.[(f)](g) By no later than January 31 of each year, the department shall submit to the mayor and the council, and publicly post on its website, a report, containing, at a minimum, for the previous calendar year:(i) the number of inspectors employed by the department;(ii) the number of complaints regarding noise received by the department, disaggregated by the type of noise;(iii) the number of after hours noise complaints responded to within the amount of time prescribed by rule as well as the number of duplicative after hours noise complaints;(iv) the number of non-violation resolutions to complaints;(v) the number of noise related violations issued;(vi) the number of such violations which were dismissed;(vii) the amount of civil penalties which were paid pursuant to such violations;(viii) the number of alternative noise mitigation plans approved pursuant to section 24-221 of this code; and(ix) the number of written stop work orders issued pursuant to section 24-223.1 of this code.§ 2. This local law takes effect immediately.NKALS 69367/3/20182:46PMInt. No. 2190 By Council Members Powers, Kallos, Yeger and Cornegy A Local Law to amend the administrative code of the city of New York, in relation to providing noise inspection reports Be it enacted by the Council as follows: Section 1. Subchapter 2 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-217.2 to read as follows:§ 24-217.2 Noise inspection reports. a. Where the department generates a noise inspection report pursuant to a complaint submitted through 311, any person may request a copy of such report by providing the 311 tracking number on a form and in a manner to be specified by the department subject to subdivision d of this section.b. Where the police department generates a noise inspection report pursuant to a complaint submitted through 311, any person may request a copy of such report by providing the 311 tracking number to the police department on a form and in a manner to be specified by such department subject to subdivision d of this section.c. The department or police department shall provide a copy of a report requested under this section within 14 days of receiving such a request. d. The department or police department shall not deny or decline to act on a request under this section on the ground that it fails to take the form of a freedom of information law request made pursuant to section 87 of the public officers law.§ 2. This local law takes effect 120 days after it becomes law.  JSALS #1119312/11/19Int. No. 2460By Council Member Gennaro ..TitleA Local Law to amend the administrative code of the city of New York, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediationBe it enacted by the Council as follows:Section 1. Section 24-907 of the administrative code of the city of New York, as added by local law number 27 for the year 2009, is amended to read as follows: § 24–907 [Civil Penalties] Enforcement. (a)Any applicant, enrollee, or recipient of a certificate of completion who misrepresents any material fact related to the investigation, remediation or site management of a local brownfield site; or any person or entity that violates any provision of a site management plan for a local brownfield site; or any person or entity that violates any provision of this chapter or the rules of the office of environmental remediation, shall be liable for a civil penalty of not more than twenty-five thousand dollars. [Such] (b) A civil penalty may be recovered in an action in a court of competent jurisdiction or in a proceeding before [the environmental control board. Such] an administrative tribunal within the jurisdiction of the office of administrative trials and hearings pursuant to section 1049-a of the charter, which proceeding shall be commenced by the service of an administrative summons or a notice of violation returnable before [the environmental control board] such tribunal. (c) The director of the office of environmental remediation may designate other city agencies to issue such administrative summonses and notices of violation. Employees or designees of the office are authorized to enter private property to inspect for the violations described in this section. § 2. This local law takes effect 90 days after it becomes law.  |

1. New York City Audubon Society. Birding in NYC. <https://www.nycaudubon.org/events-birding/birding-resources/birding-in-nyc> (last accessed 11/29/21) [↑](#footnote-ref-1)
2. BirdLife International. Atlantic Americas Flyway Factsheet. <http://datazone.birdlife.org/userfiles/file/sowb/flyways/3_Atlantic_Americas_Factsheet.pdf> (last accessed 11/29/21) [↑](#footnote-ref-2)
3. Id. [↑](#footnote-ref-3)
4. Id [↑](#footnote-ref-4)
5. Id at 1 [↑](#footnote-ref-5)
6. Audubon Society. Important Bird Areas. <https://www.audubon.org/important-bird-areas> (last accessed 11/29/21) [↑](#footnote-ref-6)
7. Audubon Society. Lights out. Providing Safe Passage for Nocturnal Migrants. <https://www.audubon.org/lights-out-program> (last accessed 11/29/21) [↑](#footnote-ref-7)
8. Id. [↑](#footnote-ref-8)
9. Van Doren et al. High-intensity urban light installation dramatically alters nocturnal bird migration. PNAS, October 17, 2017. <https://doi.org/10.1073/pnas.1708574114> (last accessed 11/29/21) [↑](#footnote-ref-9)
10. Audubon Society. We Finally Know How Bright Lights Affect Birds Flying at Night. <https://www.audubon.org/news/we-finally-know-how-bright-lights-affect-birds-flying-night> (last accessed 11/29/21) [↑](#footnote-ref-10)
11. Id at 7. [↑](#footnote-ref-11)
12. Id. [↑](#footnote-ref-12)