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**The New York City Council**

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**Committee Report of the Infrastructure Division**

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**Committee on Environmental Protection**

Hon. James F. Gennaro, Chair

**December 15, 2021**

**Int. No. 271-A:** 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-A:** 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. 2317-A:** By Council Members Ampry-Samuel, Rivera, the Public Advocate (Mr. Williams), Van Bramer, Reynoso, Lander, Rosenthal, Kallos, Levin, Dromm, D. Diaz, Ayala, Menchaca, Adams, Barron, Chin, Cornegy, Rodriguez, Levine, Riley, Cumbo, Koslowitz, Dinowitz, Louis, Brooks-Powers, Cabán, Gennaro, Brannan and Rose

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the use of substances with certain emissions profiles

**Administrative Code:** Adds a new section 24-177.1, and adds a new article 506 to chapter 5 of title 28

1. **Introduction**

On December 14, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, held a hearing on Int. No. 271-A, in relation to reducing unnecessary illumination in city-owned and city-controlled spaces; Int. No. 274-A, in relation to establishing curfews for nighttime illumination in city owned buildings during peak avian migration periods; and Int. No. 2317-A, in relation to the use of substances with certain emissions profiles.

The Committee previously held a hearing on Int. No. 271-A on December 1, 2021 and received testimony from the New York City Mayor’s Office of Environmental Remediation (OER), real estate representatives, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3IB9j3Y>.

The Committee previously held a hearing on Int. No. 274-A on December 1, 2021 and received testimony from the New York City Mayor’s Office of Environmental Remediation (OER), real estate representatives, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/31QUWHK>.

The Committee previously held a hearing on Int. No. 2317-A on November 17, 2021 and received testimony from the New York City Mayor’s Office of Climate and Sustainability (MOCS), the Department of Citywide Administrative Services (DCAS), the Department of Buildings (DOB), real estate representatives, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3oIDMFl>.

1. **Int. No. 271-A**

\ Int. No. 271-Awould 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.

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1. **Int. No. 274-A**

Int. No. 274-A would mandate that city-owned buildings and buildings leased by the city in which the city is the only tenant 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

1. **Int. No. 2317-A**

Int. No. 2317-A would prohibit the combustion of a substance that emits 25 kilograms or more of carbon dioxide per million British thermal units of energy as determined by the United States Energy Information Administration in any newly constructed building, and direct the Commissioner of Buildings to deny construction documents and permits in connection with a building that would require the combustion of these substances, with exceptions for: emergency standby power; a hardship preventing compliance with the bill; where the combustion of the substance is required by certain enumerated industries; and where the combustion of the substance is used on an intermittent basis in connection with a device that is not connected to the building’s gas supply line. This bill would further require the Mayor’s Office of Long-Term Planning and Sustainability to conduct two studies: (1) a study regarding the use of heat pump technology; and (2) a study of the impact of this bill on the City’s electrical grid. This local law would take effect immediately.

**III. Update**

On December 14, 2021, the Committee held a vote on Int. No. 271-A, Int. No. 274-A, and Int. No. 2317-A. The Committee passed Int. No. 271-A, Int. No. 274-A, and Int. 2317-A, 4 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

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| Int. No. 271-A By Council Members Brannan, Rivera, Rosenthal, Reynoso, Dromm, Chin 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 reducing unnecessary illumination in city-owned spaces 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 4-216 to read as follows:§ 4-216  Limitation on lighting in city-owned buildings. 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 of the New York city energy conservation code for new construction.“Covered building” means a city-owned building that is under the jurisdiction of and is operated by the department of citywide administrative services. For the purposes of this section, a covered building shall not include either a high-occupancy building or a critical facility for which such occupancy sensor requirements shall not apply.“Covered space” means space that is located within a city-owned building that is under the jurisdiction of and is operated by the department citywide administrative services and which is required to comply with the occupancy sensor requirements of section C405.2 of the New York city energy conservation code.b. Existing covered spaces shall comply with the occupancy sensor installation requirements of section C405.2 of the New York city energy conservation code for new construction as follows:1. by January 1, 2023, at least 25 percent of covered buildings shall be compliant buildings;2. by January 1, 2025, at least 50 percent of covered buildings shall be compliant buildings;3. by January 1, 2027, at least 75 percent of all covered buildings shall be compliant buildings.4. by January 1, 2030, all remaining covered buildings shall be compliant buildings.c. By January 1, 2024 and every third 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 three calendar years;2. the number of compliant buildings and the percentage of covered buildings that are compliant buildings, as of the end of the previous three calendar years; and3. the number of covered buildings that became compliant buildings during the previous three calendar years.§ 2. This local law takes effect immediately.SS/JJ/GZLS #2341/Int. 0693-2015LS #18612.6.21 1030amAdmin/DCAS/GZ  12/6/21 8pmAdmin FINAL 12/7/21GZ final 12.7.21 4:02pm  |

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| Int. No. 274-A By Council Members Rosenthal, Rivera, Reynoso, Brannan, Dromm, Chin 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 4-217 read as follows:§ 4-217Limitation on nighttime illumination in city-owned or leased buildings during peak avian migration periods. a. For the purposes of this article, the following terms shall have the following meanings.Non-essential outdoor lighting.The term “non-essential outdoor lighting” means lighting that has not been deemed essential for either safety or functionality as determined by an agency designated by the mayor or by the owner of a leased building.                     Peak avian migration period. The term “peak avian migration period” means the period from August 15 through November 15, and the period from April 1 through May 31 as recommended by New York City Audubon or such other dates determined by an agency designated by the mayor.b. For city-owned buildings, and buildings leased by the city in which the city is the only tenant, non-essential outdoor lighting shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. during peak avian migration periods.c. For buildings leased by the city, where the city is not the only tenant, the agency leasing such building shall use its best efforts to include a provision in such lease requiring that non-essential outdoor lighting be turned off between the hours of 11:00 p.m. and 6:00 a.m. during peak avian migration periods.§ 2. This local law takes effect immediately, provided that it shall apply only to leases entered into on or after such date.  SS (2015)/MMB (2018)/GZ (2021)LS # 5178/Int. 1073-2016NEW LS # 195Admin/GZ 12.7.21 625pm  |

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| Int. No. 2317-A By Council Members Ampry-Samuel, Rivera, the Public Advocate (Mr. Williams), Van Bramer, Reynoso, Lander, Rosenthal, Kallos, Levin, Dromm, D. Diaz, Ayala, Menchaca, Adams, Barron, Chin, Cornegy, Rodriguez, Levine, Riley, Cumbo, Koslowitz, Dinowitz, Louis, Brooks-Powers, Cabán, Gennaro, Brannan and Rose A Local Law to amend the administrative code of the city of New York, in relation to the use of substances with certain emissions profiles Be it enacted by the Council as follows: Section 1. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-177.1 to read as follows:§ 24-177.1 Prohibited emissions a. Buildings shall be subject to the emission limits set forth in this section in accordance with section 28-506.1.b. No person shall permit the combustion of any substance that emits 25 kilograms or more of carbon dioxide per million British thermal units of energy, as determined by the United States energy information administration, within such building.c. Notwithstanding the prohibition in subdivision b, combustion of a substance that emits 25 kilograms of carbon dioxide per million British thermal units of energy or more shall be permitted for use within such a building where the combustion of such substance occurs in connection with a device that contains no connection to a building’s gas supply line or fuel oil piping system, is used on an intermittent basis, and is not used to supply a building with heat or hot water.d. This section may be enforced by the department or the department of buildings.                     § 2.  The table of civil penalties following subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York is amended by adding a new row in numerical order to read as follows:

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| 24-177.1 | $400 | $4,000 |

 § 3. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:ARTICLE 506EMISSION PROFILE OF BUILDINGS **§ 28-506.1 Prohibited Emissions in New Buildings.**New buildings shall be subject to the emissions limits set forth in section 24-177.1.The commissioner shall not approve an application for the approval of construction documents, nor issue any permit in connection therewith, for a new building that does not comply with section 24-177.1. **Exceptions**: 1. A building that is seven stories or more where an application for the approval of construction documents is submitted on or before July 1, 2027. 2. A building that is less than seven stories where an application for the approval of construction documents is submitted on or before December 31, 2023. 3. A building, other than a building, that is classified as group R-3, where such emissions are in connection with the provision of hot water and an application for the approval of construction documents is submitted on or before July 1, 2027. 4. A building that is less than seven stories where the building owner demonstrates in accordance with rules promulgated by the department that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, and an application for the approval of construction documents is submitted before December 31, 2025. 5. A building that is seven stories or more where the building owner demonstrates in accordance with rules promulgated by the department that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the creation or preservation of affordable housing, and an application for the approval of construction documents is submitted before December 31, 2027. 6. A building that will be primarily used by a utility regulated by the public service commission for the generation of electric power or steam. 7. A building within a facility operated by the department of environmental protection that treats sewage or food waste. 8. An application filed by or on behalf of the school construction authority submitted before December 31, 2024. 9. A building where it would not be required to comply with section 24-177.1 because the combustion of a substance that emits 25 kg or more of carbon dioxide per million British thermal units of energy is necessary for a manufacturing use or purpose, or for the operation of a laboratory, laundromat, hospital, crematorium, commercial kitchen as defined in section 602 of the New York city fire code, or where used for emergency or standby power, or other use allowed by rule of the department, to the extent necessary for, and in the space occupied by such use or purpose. § 4. a. The office of long-term planning and sustainability, in consultation with other relevant agencies or offices of the city, and with experts in the operation of heat pumps, engineers and architects, shall conduct a study regarding the use of heat pump technology in relation to the anticipated use of such technology in connection with the implementation of this local law. Such study may reference, or draw from, data collected during, or the results of, prior studies. Such study shall include, but need not be limited to, evaluations of the feasibility within the city, the feasibility based on building size for buildings less than seven stories and for buildings seven stories and more, cost of installation based on building size for buildings less than seven stories and for buildings seven stories and more, cost of use based on building size for buildings less than seven stories and for buildings seven stories and more, and environmental impact of the use of the following technologies:1. Centralized air source heat pumps with storage tanks;2. Ground source heat pumps and multi-source heat pumps;3. Solar thermal with storage tanks and air source heat pumps; and 4. On-demand electric water heaters, both with tank and tankless, whichever is applicable based on building size.b.   No later than June 1, 2023, the office of long-term planning and sustainability shall submit to the mayor and the speaker of the council, and make publicly available online, a report detailing the findings of the study conducted pursuant to this section.§ 5. a. The office of long-term planning and sustainability, in consultation with other relevant agencies or offices of the city and with experts in the operation of electric grids, shall conduct a study regarding the reliability and resiliency of the city’s electrical distribution grid, and transmission lines into the city, in relation to the anticipated use of such grid and lines for the implementation of this local law. Such study may reference, or draw from, data collected during, or the results of, prior studies. Such study shall include, but need not be limited to, evaluations of:1. The current and projected 2030 load on the electrical grid for both winter and summer, including (i) an identification of factors that may affect demand; (ii) specific recommendations regarding the capacity that could be added to the current energy supply to meet such projected demand after consideration of such factors; and (iii) actions the city could take in connection with such recommendations;2. Projected 2030 transmission electricity flows into zone J of the NYISO electrical grid;3. Projected 2030 load on the electrical grid due to anticipated electrification;4. Opportunities to incentivize flexible loads to support grid resiliency and reliability; and5. Recommendations for improved infrastructure coordination and planning to support electrification.b.  No later than June 1, 2023, the office of long-term planning and sustainability shall submit to the mayor and the speaker of the council, and make publicly available online, a report detailing the findings of the study conducted pursuant to this section.§ 6. This local law takes effect immediately. GZLS #1174012.7.21 11:35pm   |