

**Testimony of Adriana Espinoza
New York City Program Director
New York League of Conservation Voters
City Council Committee on Environmental Protection
December 4th, 2018**

Good morning. My name is Adriana Espinoza, and I'm the Director of the New York City Program at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chair Constantinides for the opportunity to testify before the Committee on Environmental Protection regarding Intros 1252 and 1253 of 2018.

The time to act on climate is now. The most recent Intergovernmental Panel on Climate Change report and the Fourth National Climate Assessment make it clear that we must make radical changes in short order to avoid catastrophic climate change. Reducing emissions from buildings - NYC's #1 contributor to carbon pollution - is the single most significant step the City can take. Establishing enforceable building emission reduction targets will help ensure that residential and commercial sectors do their part to fight climate change and protect our environment. For that reason, NYLCV applauds the City Council for taking up this issue.

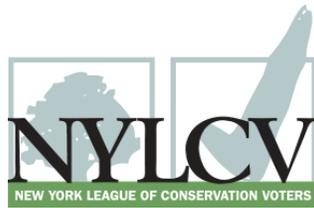
New York City is a national leader on energy and climate. Other municipalities will look to us to replicate their own policies on energy efficiency in buildings. We urge the Council to be thorough and deliberative with what NYLCV sees as the most significant piece of environmental policy taken up by the New York City Council in years.

Intro 1253 is a great start. The framework of the bill is solid, and we especially appreciate the inclusion of a backstop to reach reductions of 40x30 in case of inaction by the bill's advisory group. NYLCV also strongly supports Intro 1252, which establishes a PACE program to provide much needed assistance to finance energy efficiency retrofits and other clean energy upgrades. It is imperative that intros 1252 and 1253 pass as a package.

The legislation can be improved by making some additional changes. We respectfully submit the following comments and recommendations:

Timeline:

While we need aggressive action, it is unclear whether the first compliance deadline of 2022-2023 is technically feasible as currently written, and the metric used ("building emissions intensity") is flawed. It does not take into account building usage or occupancy. Further, since future deadlines in the bill will target reductions using an NYC-specific metric that doesn't currently exist, it would be overly complicated and burdensome for building owners to be required to reduce energy using



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“building emissions intensity” in 2022-2023 and then a completely separate metric from 2029-2050.

Instead of requiring all covered buildings to meet an absolute target, the early deadline should target the worst polluters. The worst 10% of performers, as determined by benchmarking from Local Law 87, should be required to reduce energy use by an established percentage. We also urge the City Council to consider deferring the initial compliance period slightly and staggering compliance by building size. Given that benchmarking for buildings 25,000-50,00 square feet will not begin until this bill passes, these buildings should be on a different timeline than buildings who have baselines long established by LL87.

Exemptions and Variances:

We share the concern over Intro 1253’s exemption of all buildings with at least one rent-regulated unit. Simply put, we cannot achieve our climate goals with this exclusion. At the same time, NYLCV understands that achieving these goals should not exacerbate the affordable housing crisis in NYC. Any framework that includes rent-regulated housing should protect against displacement.

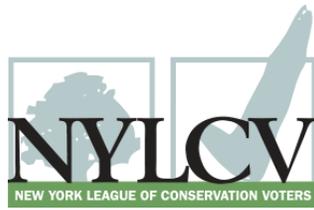
While we are fully supportive of the bill’s expansion of LL87 to require all buildings over 25,000 sq ft (including rent regulated buildings) to do energy audits and retro-commissioning, it is clear from buildings already subject to LL87 that this alone will not lead to significant adoption of energy efficiency measures. By some estimates, the exclusion of rent regulated buildings will leave *over a third of all greenhouse gas emissions* from buildings over 25,000 square feet unaddressed.

More importantly, just as we cannot make these upgrades on the backs of low-income New Yorkers, we also cannot leave these tenants behind. It is likely that these buildings and the New Yorkers living in them are those that could benefit the most from energy efficiency upgrades.

Given these concerns, NYLCV recommends that rent-regulated buildings that meet the early compliance criteria be required to implement the prescriptive measures developed by the Urban Green 80x50 Buildings Partnership during the early compliance period. These low-cost upgrades should be included in the bill explicitly, as research and analysis by the Partnership has determined these upgrades will not trigger a Major Capital Improvement (MCI) rent increase.

Assistance, Outreach, and Training:

The City Council should take every opportunity to capitalize on the green jobs potential of these bills. In addition to the outreach and education for building owners, outreach and training opportunities for design professionals and building maintenance and operations staff should be



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included. This is especially critical for operations and maintenance staff, who will be responsible for implementing and overseeing new building energy systems. Investing in their training can make a sizeable difference maximizing energy savings.

On behalf of NYLCV, I'd like to thank Council Member Constantinides and Speaker Johnson for your leadership on advancing this legislation and the Council's commitment to NYC's environment and the fight against climate change. We look forward to working with you and your Council colleagues through this legislative process to maximize the potential of this package of legislation.