



MEMORANDUM OF OPPOSITION

Int 0772-2024 (Lead Sponsor Councilmember Linda Lee)

June, 2024

Re: [Int 0772-2024](#) – A Local Law to amend the administrative code of the city of New York, in relation to building emissions calculations, adjustments and penalties.

The Climate Works for All (CW4A) coalition is writing to voice strong opposition of this proposed legislation that would:

- Allow the consideration of open and green spaces as part of a building's gross floor area when calculating greenhouse gas emissions limits for garden-type maisonette dwelling projects and covered buildings held in condominium or cooperative form of ownership and create civil penalty reductions for these projects.
- Allow courts and administrative tribunals to consider the median property value of residential buildings containing condominiums and co-ops with an average assessed value of \$65,000 or less, as a mitigating factor in determining civil penalties for failure to reduce greenhouse gas emissions and;
- Would require that the NYC Department of Buildings consider whether to grant an adjustment to a building's emissions limit requirement based on that building's prior installation of emissions-reducing technology such as solar panels, submetering, or oil to gas conversions.

CW4A opposes this bill because it opens a dangerous legislative pathway to substantially weakening [Local Law 97 of 2019](#) - a landmark climate and public health law that will secure a more equitable and sustainable future for our city if fully implemented. Currently, millions of residents are exposed to dangerous levels of air pollution due to outdated and inefficient New York City buildings running oil and gas-burning heating systems and appliances. What's worse, some residents face disproportionate burdens of air pollution from various noxious infrastructure facilities located in environmental justice neighborhoods. Local Law 97 strongly incentivizes building owners to replace these systems with far more efficient and healthy electrical systems, and we must not weaken this mandate. Local Law 97, if equitably and fully implemented, also presents a historic opportunity to [create more than 140,000 good, green local jobs by 2030 in the New York City metro area](#). Our continued dependence on fossil fuels is an unacceptable status quo. There is no room for delays in the implementation of the law or loopholes to weaken compliance.

Int 0772-2024 weakens the intent and purpose of Local Law 97 in the following ways:

- **Allows the consideration of open and green spaces as part of a building's gross floor area when calculating greenhouse gas emissions limits for garden-type maisonette dwelling projects and covered buildings held in condominium or cooperative form of ownership.**

By allowing the consideration of open and green spaces adjacent to the building in consideration, this provision would significantly alter the formula for calculating greenhouse gas emissions limits of a building that have to be met by Local Law 97. This change would effectively allow many buildings to emit **significantly more pollution** per square foot than the current law allows, thereby giving these buildings a pass to emit larger amounts of greenhouse gasses while exposing residents and tenants to more indoor air pollution. This alters the very intent of Local Law 97 which is aimed at large buildings across the city driving down their on site emissions.

- **Calls for a delay in the issuing of penalties with continued penalty reductions thereafter for co-ops and condominiums with an average assessed value of \$65,000 or less.**

This bill specifically provides a list of mitigating factors to be considered in the determination of penalties for co-ops and condominiums with an assessed value of \$65,000 or less and calls for qualifying buildings to receive a 100% reduction in penalties between 2030 and 2035 with continued penalty reductions in the following compliance periods. In addition to the provision that would allow for open spaces to be considered while calculating emissions limits, this provision would further push back these buildings' compliance with Local Law 97. A 100% penalty reduction from 2030-2035 (when emissions limits get stricter) would essentially mean that these buildings would only comply with their 2024-2030 emissions limits up until 2036 without facing any penalties. Significantly reducing penalties will not only deter compliance with Local Law 97 but undermine the law's intent to reduce emissions of large buildings.

We recognize the complexity of achieving the goals of Local Law 97; however, there is active rulemaking happening by the New York City Department of Buildings which aims at finding solutions for any building owners facing genuine obstacles while making reasonable efforts to meet greenhouse gas limits. To that end, multiple forms of funding assistance to building owners are in development, including via the Inflation Reduction Act of 2022 (IRA), various state funding streams, and funding from utilities.

The second round of rules recently promulgated by the Department of Buildings under Local Law 97 (in September of 2023) already makes provisions for good faith efforts by building owners and provides mitigation for genuine financial hardship. The proposed new rules also include a possible two-year extension option for buildings that don't meet the 2024 emissions targets if property owners submit a 'decarbonization plan' and prove they are working toward greater efficiency. Considering this, the additional provisions in Intro 0772 regarding the

determination of penalties are redundant, unnecessary, and will create confusion among building owners.

Additionally, DOB must work with the Mayor and City Council during the upcoming budget process to ensure building owners experiencing genuine "financial hardship," as defined in the statute of Local Law 97, have access to decarbonization funds allocated specifically from the City, as to not exclusively rely on state or federal funds. These funds should be prioritized for buildings located in environmental justice communities. City Council and DOB must work together on legislation to set up a **Green Affordable Housing Fund** that would allow for a modest reduction of penalties for building owners contributing to this separate fund which would be dedicated to decarbonization improvements for buildings qualified under Article 321 compliance.

For the reasons stated above, Climate Works for All strongly opposes Int 0772-2024. We look forward to continued work with the City Council and city agencies to fully implement Local Law 97 for the good of our climate, our health, and our economy.

Climate Works for All is a coalition of 20+ labor, community, faith, environmental justice, and climate organizations that have come together to fight climate change and inequality in NYC by demanding a Just Transition for workers and Environmental Justice communities. Our campaigns move us towards an equitable economy, a resilient, livable and healthy climate, and prioritize justice for low income Black and Brown communities across New York City.