



American Council of Engineering Companies of New York

Testimony on Intro. 1253
Submitted to the City Council Committee on Environmental Protection
December 4, 2018

Good morning Chair Constantinides and Committee members. My name is Josephine Zurica, PE, LEED AP. I am Principal at Dagher Engineering and Vice Chair of the American Council of Engineering Companies of New York's (ACEC New York) Energy Codes Committee on whose behalf I am appearing today. Thank you for this opportunity to testify.

ACEC New York represents close to 300 consulting engineering and affiliate firms throughout New York State, with a concentrated presence in New York City. Our members plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems for the City's buildings and infrastructure.

This year, our Association adopted "Principles for Reviewing New York City energy legislation." These Principles state; *"New York City should strive to be a leader in sustainability, green building, energy efficiency and carbon emissions reduction. In doing so, the City must take into account scientific principles, operational uncertainties within buildings, and must have reasonable expectations regarding future advances in technology."*

Bearing this in mind, ACEC New York supports the goal of Intro. 1253 but opposes the bill in its current form. We have identified the following issues with the bill as drafted and offer the recommendations below:

Timing: The 2022 and 2023 enforcement periods are too soon. The engineering community in New York will be adversely impacted as there will not be time to organize, develop methodologies and best practices, address insurability issues as well as design, construct and commission what in many cases will be major alterations to buildings needed to achieve success for our clients in satisfying these carbon reductions requirements. **Recommendation 1:** Enforcement should begin in 2024, allowing enough time to prepare. **Recommendation 2:** Require the Working Group, as established in the bill, to publish a Reference Standard for building designers to:

- Make the stakeholders' responsibilities clear.
- Establish an accepted standard of care for building design.
- Maintain insurability.
- Avoid lawsuits between stakeholders.

Structure of Carbon Reduction Regulations: The building classification system as currently proposed in the bill (pages 8 and 9) is completely inappropriate for regulating carbon emissions. A hospital has no relationship to a big box retail store when it comes to energy use, any more than a 24 hour financial trading operation has in relation to the millions of square feet of general office tenants in our Class B buildings, yet the bill, as currently written would treat all these building occupancies according to the same limits. With this system, some owners will never be able to meet the requirements no matter what efforts they undertake, and some will do so without even trying. As a result, there will be little

incentive to attempt to reduce carbon emissions and we will not make progress toward our shared goal. Furthermore, the fact that no benchmarking data yet exists for buildings between 25,000 and 50,000 square feet is problematic. In many cases these buildings may bear little similarities to their larger neighbors for which there is collected data. As a consequence, the initial building emissions intensity limits established for buildings 25,000 to 50,000 square feet will be entirely conjectural.

Recommendation 1: Intro 1253 should instead use the building classification system that is already in place (for several years now) for energy benchmarking (Local Law 84). The proposed building emissions intensity limits in the bill can easily be adapted to this system. In addition, the initial carbon dioxide equivalent metrics should be identified in Intro 1253 for the 2022 and 2023 compliance years and should be specific to New York City. **Recommendation 2:** In the initial enforcement period, 2022-2023, the city should issue notices of either compliance or non-compliance to building owners, stating what the penalty will be for non-compliance in the future (i.e., not collecting penalties in this initial period). It is important to appreciate for every dollar an owner spends on a penalty that is one less dollar they have to spend on carbon reduction. This period will enable the city to determine whether the initial building emissions limits are reasonable for building types that have been benchmarked, and to obtain data for buildings for which there is no benchmarking data. This information can be used by the Working Group to revise building emissions limits that will achieve the greatest reduction overall for the entire city building stock, while insuring that limits are equitably levied across each segment of the building stock.

Affordable Housing Exclusion: While we fully support the need to maintain affordable housing for New Yorkers, the blanket exclusion of ALL affordable housing, which we understand would include entire buildings where only a portion of the units are affordable, takes too much of New York's carbon emissions off the table. **Recommendation:** In order to reach 80x50, revisit removing such a large percentage of the building stock in this effort.

Thank you for this opportunity to provide testimony. If you have questions or would like to meet to discuss these comments with representatives of our Energy Codes Committee, please let us know.