



Testimony on Local Law 97
Submitted to the City Council Committee on Environmental Protection
April 5, 2021

Good morning Chair Constantinides and members of the Committee.

My name is Josephine Zurica. I am Principal at Dagher Engineering and Vice Chair of the American Council of Engineering Companies of New York's (ACEC New York) Energy Code Committee, on whose behalf I am appearing today. Members of our Committee are licensed professional engineers serving on a volunteer basis to analyze City laws and proposals that affect or relate to consulting engineering work. Thank you for the opportunity to testify today.

ACEC New York represents close to 300 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.

ACEC New York has been supportive of the intent of Local Law 97 since its first draft as Intro 1253, and has been active in providing comments, testimony, and technical insight from the drafting of the bill throughout. Since passage of the legislation in April of 2019, ACEC New York and our member firms have closely monitored implementation of the law. We offer the following comments.

First, we would like to stress the need for dedicated resources within DOB. Two years after its historic passage, LL97 remains some of the most ambitious legislation of its kind, and as a result will be one of the most challenging to successfully implement. ACEC New York members sit on both the Advisory Board and Working Groups charged with assisting DOB in implementation. LL97 charges the advisory board to issue a report and recommendations in less than two years from now. There is a concern that at the current pace of rulemaking and implementation; there remain too many unknowns for design teams, consultants and building owners to properly react and start implementing the real changes and improvements that are needed for LL97 to ultimately be a success. We strongly recommend further attention to implementation of law.

Second, the implementation must tackle some of the very complicated questions and nuances of the law that have existed since its early form including Building Occupancy Groups. ACEC New York's view is that the DOB Building Occupancy Classification system is an inappropriate way to set limits as it ignores too many necessary indicators of energy and carbon usage within a building. Specifically, the DOB Occupancy is not nuanced enough to recognize different energy intensities in how different usage types, occupancy densities, operating schedules and other factors affect the carbon consumption within the same Occupancy Class. We recommend the Energy Star building classification as a more appropriate way to categorize and set limits. This system, nationally recognized and currently utilized in the City's benchmarking law, is a more appropriate way to classify the type of building and resulting energy and carbon intensity.

We urge further attention and focus be put towards the implementation and rulemaking of this very important bill to address the above concerns.

ACEC New York is committed to providing what we believe is the best professional judgment of the licensed professional engineers who volunteer time to thoroughly analyze City proposals and policies including Local Law 97. We continue to offer to make these professionals available to you as you work through these important issues. If you have questions or would like to discuss these comments with representatives of our Energy Code Committee, please let us know.

For further information please contact:

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