



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**ANTONIO REYNOSO**

Brooklyn Borough President

**Comments submitted to NYC Department of Buildings  
Rulemaking regarding implementation of Local Law 97 of 2019  
November 14, 2022**

Thank you for the opportunity to submit comments today on the proposed rules for implementation of Local Law 97 of 2019 (LL97). As a member of the City Council in 2019, I supported this transformative legislation, and now as Brooklyn Borough President, I am looking forward to the positive impacts it will have on our city. New York City has the opportunity to become a global model for climate resiliency, and I want to ensure that the proposed rules being considered today include measures to protect tenants and create equitable change.

LL97 is the most ambitious building emissions legislation passed by any city in the world, and the residents of New York City should be proud to firmly commit ourselves to a greener, more resilient future. Electrifying our building stock, fortifying our city's resiliency, and reaching zero-emissions should be our top climate priorities, and the pioneering emissions caps enacted through LL97 set us on the right path to achieve these ambitious - but necessary - goals. Buildings are responsible for two-thirds of New York City's annual emissions, and it is our duty to tackle this to protect our most vulnerable communities and secure an exciting, green New York City for future generations.

The proposed rules for LL97 provide much to look forward to on our journey to zero emissions. The emissions limits for each property type from 2030-2049, along with the zero-emissions requirement for all buildings after 2050, puts New York City in alignment with global 1.5°C climate targets. I also support the proposed 2030 electricity carbon coefficients that consider the exciting new clean energy sources coming to New York City over the next few years, and that work to more urgently reach New York State's decarbonization goals.

Incentivizing building electrification is crucial to meeting these carbon caps, and any additional incentives for electrifying our building stock are welcome. Also, the availability of renewable energy credits (RECs) for purchase by building owners to offset building emissions is integral to developing strong, local green power. Requiring that these credits only offset emissions specifically sourced from building electricity use guarantees that the RECs will not be used to deduct from

emissions due to fossil fuels burned for heat and hot water. These features of LL97 put us on the right path to achieving our climate goals, and I thank climate advocates and City leadership for prioritizing emissions reductions in our collective fight against climate change.

However, there remain some areas of concern that we, as a city, should make sure to address so we can enact the transformative changes we need to rapidly decrease emissions.

First, regarding renewable energy credits, allowing for property owners to purchase RECs to offset 100% of emissions creates a dangerous loophole that jeopardizes the law's productivity. We must be wary of a system that allows for owners to simply pay their way out of doing the difficult work of eliminating building emissions if we want to actualize climate goals with the urgency that the issue requires.

Second, in the face of substantial building upgrades and retrofits, we must continue to protect tenants, particularly those of lower income and in rent-regulated units. As the scale and cost of capital improvements increases, we want to avoid displacement as much as possible. Investments in clean energy and emissions should never force individuals and families out of their homes; a sustainable future is an equitable one, the choice should never be one or the other. That is why I insist that financing for building upgrades must be tied with tenant protections. To facilitate this and to keep costs down for building owners, New York City should create a fund tying the money raised through enforcement fees directly to supporting more retrofits and lowering the capital costs of transformative building upgrades.

Lastly, as with any large-scale change, education and outreach remains key. Currently, many building owners do not know about their coming obligations under LL97. They also don't have easy access to information, such as how to find and afford financing for upgrades and retrofits, or to identify viable contractors. A cohesive energy transition will require much more robust outreach. Building owners' obligations should be clear to ensure full compliance, and the resources for support should be readily available in multiple languages.

Local Law 97 provides the groundwork needed to reach New York's climate goals. We cannot provide a greener NYC to current and future generations without quickly reducing, and eliminating, our buildings' GHG emissions and electrifying our building stock. Given the importance of this charge, we must make sure the law is as effective, equitable, and sustainable as possible. I am excited and immensely proud about the climate progress that we, as a city, stand to make in the next few years, and I hope these concerns are taken into consideration. Thank you.