



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

ANTONIO REYNOSO

Brooklyn Borough President

NYC Department of Buildings Hearing on Local Law 97 Proposed Article 320 and Article 321 Rules October 24, 2023

Thank you to the Department of Buildings for holding this important hearing today. My name is Lacey Tauber and I am the Legislative Director for Brooklyn Borough President Antonio Reynoso. BP Reynoso voted for LL97 when he was in the City Council and remains a staunch supporter today. Implementing the law is critical for meeting our State's ambitious emissions reduction goals, lowering energy costs, and creating green jobs for our communities. We know property owners are eager to learn more about their compliance obligations – in September, our office held a Sustainable Building Resource Fair, which over 150 Brooklyn property owners attended to get information and connect to resources.

Regarding the proposed rules, BP Reynoso feels that some of the proposals represent reasonable strategies to facilitate implementation of the bill. For example, creating an exemption for those facing unforeseeable events such as flood damage is prudent, especially as climate-change-related weather events continue to cause damage to our city. Additionally, allowing for a "good faith effort" provision is both reasonable and required by law. The proposed rule creates sensible exemptions for property owners who can demonstrate that work is in progress and adds the option for a longer implementation timeline for HDFC co-ops and buildings with rent-regulated units, whose owners we know are concerned about the cost of compliance.

However, BP Reynoso is concerned about three provisions of this proposal that create unnecessary loopholes, carveouts, and delays:

First, the provision that allows any properties submitting a decarbonization plan to postpone compliance with 2024 limits for two additional years creates an unnecessary option to delay. While BP Reynoso supports efforts to reach net zero emissions by 2050, we don't want to lose sight of our immediate decarbonization goals. We encourage DOB to rethink this sequencing and create an option that will support both short- and long-term compliance.

Second, delaying compliance for 10 years for properties with 421-a tax exemptions is unreasonable. Considering 421-a alone, the proposed delay for buildings with tax exemptions would apply to more than 4,200 properties in Brooklyn, many of which have chosen to comply with 421-a's affordability restrictions by offering apartments to people making 130% of the area

median income, generating rents for their “affordable” units that match or even exceed market rates. For the most part, these properties can afford to, and should be required to, comply by the same deadline as market-rate developments.

Finally, the proposal to allow property owners to meet 100% of their emissions targets by purchasing renewable energy credits creates a loophole that will allow wealthy property owners and corporations to continue to pollute. BP Reynoso encourages DOB to rethink this proposal entirely.

Before I close, I want to briefly discuss the proposed Article 321 rules for affordable housing and houses of worship. While BP Reynoso appreciates DOB creating an alternative pathway to compliance, it is going to be a heavy lift to ensure that our mission-driven development and faith-based partners are aware of their obligations under this law and are able to make connections with qualified retro-commissioning agents. If they are unable to do so, \$10-\$20k for non-compliance will create a huge hardship for many of them. We appreciate DOB adding the option for a deadline extension where needed.

I want to thank you again for holding this hearing today. BP Reynoso feels strongly that LL97 should be implemented without the noted carveouts and loopholes, and stands ready to assist DOB with the outreach and education campaigns that will be necessary to ensure that New Yorkers are informed and able to comply.