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Dan Garodnick

Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

WE ACT comments on the City Planning Commission’s proposed rule change to exempt certain housing and related actions from SEQRA and CEQR review procedures:

Dear Chair Garodnick,

WE ACT for Environmental Justice is pleased to share comments on the proposed rule amendments related to Type II actions under the State Environmental Quality Review Act (SEQRA). WE ACT for Environmental Justice, an organization based in Harlem, has been fighting environmental racism at the city, state, and federal levels for more than 30 years.

WE ACT supports the proposed “Green Fast Track for Housing” for residential developments under 250 units in R5 through R10 districts and 175 units in R1 through R4 districts. New York City is facing a deepening housing and affordability crisis with no apparent end in sight. The most recent Housing and Vacancy Survey by the Department of Housing Preservation and Development (HPD) revealed that the city’s vacancy rate in 2023 dropped to just 1.4%, its lowest measurement since the 1968 housing crisis. It is critical that the city is taking every step it can to increase the supply of deeply affordable housing. The current vacancy rate for housing units under \$1,100 is just 0.39%.¹

The proposed rule change to limit the environmental review process of residential developments under a certain size will save developments time and resources, and will allow buildings using city subsidy to provide income-restricted, below-market housing to come online faster for the

¹ <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>



hundreds of thousands of New Yorkers who are struggling with housing instability and unaffordability. The proposed rule takes into consideration site-specific criteria to protect new residents from potential environmental injustices by excluding properties adjacent to arterial highways, industrial pollution, certain coastal flood zones, and requiring remediation of properties with environmental hazards through the City's existing (E) designation process.

WE ACT supports the green fast track for housing if the following recommendations are taken into consideration:

Require all buildings on the development site to comply with strict emission limits.

The current proposed rules only call for the removal of fossil fuels from building heating and cooling systems as well as hot water.² This leaves the opportunity open for buildings to hook up to gas for cooking and other appliances like washing machines. Gas burning stoves are one of the main contributors to poor indoor air quality, as they emit nitrogen dioxide, a pollutant that has been linked to increasing severity of asthma and other respiratory illnesses. Nitrogen dioxide emissions in homes with gas stoves can be anywhere from 50 - to more than 400-percent higher than those with electric stoves³ and have no place in new construction of affordable housing. To close any potential loopholes, the language in the proposed rule should be amended to reflect more stringent electrification requirements via strict emissions limits of 25 kg of CO₂ per million British thermal units (MMBtu) of energy (matching LL154)⁴ within a proposed building under the green fast track.

Make environmental site assessments open for public comment.

To ensure full accountability, there should be a public comment period of 60 days that is properly advertised available to review environmental site assessments of proposed projects. This will ensure that all potential hazardous materials are fully considered and addressed, or that the establishment and remediation of an (E) designation for hazardous

² 62 § 5-05 (f)(1)

³ <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=194645>

⁴ <https://www.nyc.gov/assets/buildings/pdf/ll154.pdf>



materials includes adequate oversight. All substantive comments with responses along with any amendments to the environmental site assessment should be posted publicly 15 days after the end of the public comment period. If the project is subject to the city's ULURP process, the public comment period should coincide with requirements from that process.

Increase distance from air emissions sources for report requirements.

The proposed rules require developable sites within 1000 feet of an air emissions source operating under a New York State facility permit or Clean Air Act Title V permit, 400 feet of any existing air emission source with an active or expire industrial permit issued by NYC DEP, and 400 feet of any unpermitted industrial source must confirm the concentration of any pollutant regulated by the permit or identified by the lead agency will not exceed Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC).⁵ We recommend extending such requirements for all developable sites within 1,300 feet (0.25 miles) for all such permitted and unpermitted industrial sources.

Consider neighborhood character for specific projects.

For proposed projects with annual asking rents significantly over 30% of median annual household income (determined by the most recent American Community Survey data for that community district), there should be additional reporting requirements to consider the impact to neighborhood characteristics, specifically socioeconomic conditions. The burden of handling the city's growth is uneven and new residential developments in New York City continue to target communities where displacement concerns are very real. Affordability levels in new construction should be within reach of the existing neighborhood if we are going to meaningfully address the housing crisis. Projects should also consider the average household size of the district and ensure that the unit makeup reflects that need. Too many new projects prioritize studios over multi-room units for larger families.

We believe that these proposed rule amendments, with necessary enhancements, can help accelerate the production of affordable housing

⁵ 62 § 5-05 (f)(iv)



and address the ongoing housing crisis with equity and environmental justice at the forefront. Thank you for your consideration.

Sincerely,

Annie Carforo

Climate Justice Campaign Manager

WE ACT for Environmental Justice

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