April 6, 2021

By email to: LULG@dos.ny.gov

**Re:** Comments of the City of New York to the Land Use and Local Government Advisory Panel

Dear Members of the Land Use and Local Government Advisory Panel:

The City of New York (“the City” or “NYC”) submits these comments on the draft strategies proposed by the Land Use and Local Government Advisory Panel (“the Panel”) Clean Energy subgroup.

**Introduction**

The City appreciates this opportunity to provide feedback on the Panel’s recommendations to achieve the goals of the Climate Leadership and Community Protection Act of 2019 (“CLCPA”). The City believes that municipalities can lead by example in the clean energy transition. Indeed, the City has done just that, establishing a long history of addressing climate change and taking definitive actions to ensure a clean and just energy future.\(^1\) The City acted on its commitment to an expeditious and equitable clean energy transition through legislation and regulation that adopts stretch building codes, building emissions standards, and energy benchmarking. Herein, the City expresses its general support for many of the Panel’s Strategies. Additionally, the City offers examples and models to guide the Panel’s Strategies, and identifies methods to build on the initiatives that the Panel proposes in Strategies 3, 4, and 6.

**Comments**

**Panel Strategy 3: Establish statewide policies that promote consistent advancement on building decarbonization.**

Buildings represent the second largest source of emissions in the State, behind transportation.\(^2\) Moreover, buildings are an especially enduring source of emissions due to their longevity. Retrofitting existing buildings with clean energy, electrification, and deep energy efficiency will mitigate existing sources of greenhouse gas emissions, and requiring such investments in new construction will produce benefits for decades to come.

---

\(^1\) OneNYC 2050: Building a Strong and Fair City A Livable Climate (issued April 2019) at 5-6, available at: [http://onenyc.cityofnewyork.us/strategies/a-livable-climate/](http://onenyc.cityofnewyork.us/strategies/a-livable-climate/) (“OneNYC”).

The strides the City has taken to reduce building emissions can serve as guides for developing the statewide policies recommended by the Panel:

- **Strict building performance standards**, as the Panel recommends, are an important tool for decarbonization. Buildings represent ~70% of New York City’s carbon emissions, and accordingly the City has led by example to reduce emissions from its building stock. The City passed Local Law 97 of 2019 (“LL 97”) as part of the Climate Mobilization Act, which sets ambitious and achievable emissions caps on large buildings that will reduce citywide emissions 40% by 2030 and 80% by 2050, relative to 2005 emissions.\(^3\) LL 97 also provides verifiable pathways to meet the emissions targets. In addition to directly reducing emissions through upgrading to more efficient equipment and other efficiency measures, buildings may purchase renewable energy credits (“RECs”); purchase greenhouse gas offsets; or use clean distributed energy resources.\(^4\) These pathways simultaneously reduce emissions and support clean energy.

- **Energy codes that align with the CLCPA**, as the Panel recommends, are a direct way to reduce emissions. Local Law 32 of 2007 requires the New York City Department of Buildings (“NYCDOB”) to adopt the New York State Energy Research and Development Authority model stretch code in 2019, and to adopt a revised stretch code, if available, in 2022.\(^5\) It also requires NYCDOB to adopt a performance-based energy code in 2025.\(^6\)

- **Energy benchmarking**, as the Panel recommends, is fundamental to energy efficiency deployment and building decarbonization. In the City’s experience, data on building energy use informs energy efficiency deployment and emissions reduction compliance. Local Law 84 of 2009, as amended by Local Law 133 of 2016, requires owners of buildings that meet certain criteria (i.e. over 25,000 square feet) to measure their annual energy and water consumption for use in benchmarking.\(^7\)

The City submits that the Panel has an opportunity to go further, particularly with respect to the transition away from fossil fuel use in buildings. In his 2021 State of the City Address, Mayor Bill de Blasio announced a ban on fossil fuel connections for new construction buildings by 2030.\(^8\) Sending clear requirements and market signals to the buildings sector is important. Given the shrinking cost gap between installing natural gas and efficient electric heating, new construction offers a unique and achievable opportunity to make a clean transition away from fossil fuels. Specific requirements for retrofitting buildings could contribute to the clean energy transition; however, they may be more technically challenging to implement and will need to take

---

3. N.Y.C. Admin. Code §§ 24-802(a) and 24-803(a)(1).
4. Id. at §§ 320.3.6.1-320.3.6.3.
5. Id. at § 28-1001.3.3.
6. Id. at § 28-1001.3.4.
7. Id. at § 28-309.4.
into account emissions impacts, co-benefits, capital and operating cost implications, and access to low-cost financing. These considerations are especially important for low-income New Yorkers, as equity and affordability must remain at the forefront of the clean energy transition. Local governments can lead the effort to effectively and equitably transition off fossil fuels, and the City recommends that the Panel consider measures that fully involve local governments in implementing its Strategy.

**Panel Strategy 4: Facilitate and promote deployment of clean energy to expand equitable access, maximize local economic benefit, and minimize environmental impacts.**

The City fully supports this Strategy, as proliferation of both large scale and distributed clean energy is needed to meet the objectives of the CLCPA. The City appreciates the Panel’s emphasis on the importance of co-benefits associated with clean energy deployment; clean energy can not only lead to decarbonization, but alleviate energy burden for low-income New Yorkers, improve public health outcomes, promote economic development, and minimize environmental impacts. In addition to the specific initiatives included within this Strategy, the City proposes three additional considerations for the Panel.

**Strategy 4 Addition 1: Promoting Energy Resiliency**

First, resiliency to climate risks should be included in local government permitting and planning for clean energy. Scientific studies have clearly demonstrated that there are many future challenges due to climate change. The Fourth National Climate Assessment underscores the seriousness of this issue noting: “The Nation’s energy system is already affected by extreme weather events, and due to climate change, it is projected to be increasingly threatened by more frequent and longer-lasting power outages affecting critical energy infrastructure and creating fuel availability and demand imbalances.”

The City recommends that the Panel’s Strategy include a guidance for local governments regarding how and where clean energy assets are sited. These assets must be designed to be more capable of withstanding extreme weather events, such as increased heat with prolonged heat waves, heavy precipitation and flooding, more severe storms, and tidal inundations.

Energy storage, either standalone or coupled with renewable energy, can provide resiliency benefits, such as by mitigating outage impacts and reducing demand when peak electric demand and high heat coincide. Accordingly, the City recommends that the Panel’s Strategy include

---


streamlined permitting guidance for energy storage to promote its rapid deployment as a means of addressing future climate challenges, as well providing critical system supply flexibility.

**Strategy 4 Addition 2: Planning for Transmission Projects**

Second, more transmission will be needed to deliver energy from large scale renewables to load centers. Importantly, deployment of necessary transmission assets can and should be accomplished in a manner that identifies and addresses the needs of local governments and their residents. The City therefore recommends that the Panel incorporate transmission planning into its Strategy and, in doing so, provide tools and resources that allow municipalities to facilitate transmission deployment while maximizing local benefits and minimizing negative impacts.

**Strategy 4 Addition 3: Prioritizing Utility Coordination**

Finally, the Panel should recognize the critical role of the electric utility in deploying clean energy and facilitating decarbonization. For example, electric utility interconnection policies can directly affect the likelihood that renewable energy and storage assets will be deployed, and the timing of that deployment. Further, electric utility rate design can make or break decarbonization initiatives. Electric vehicle charging, storage charging and discharging, and beneficial electrification can be promoted through – or stunted by – electric rate design decisions. As such, the City recommends that the Panel explore fair interconnection policies and rate designs that accelerate the clean energy transition.

**Panel Strategy 6: Continue and expand state program opportunities, incentives, technical assistance, and centralized procurement services.**

The City agrees with the Panel that technical assistance and procurement programs for municipalities are essential to the clean energy transition. Municipalities do not always have the resources or expertise for the projects and initiatives that facilitate achievement of CLCPA objectives. A statewide entity with the necessary expertise and funding can efficiently provide technical assistance and procurement services and allow local governments to participate in the clean energy transition.

As an additional point, the City recommends that, to the degree possible, any statewide technical assistance be locally administered to meet local needs. For example, the NYC Accelerator serves as a central location for energy efficiency and building improvement projects tailored to New York City’s specific contexts. The NYC Accelerator, originally launched as the Retrofit Accelerator in 2015, offers a team of energy efficiency advisors to provide no-cost, independent, and customized advisory services for existing buildings and new construction to help building owners complete cost-saving energy efficiency projects. It helps building owners and decision makers navigate the building retrofit process to reduce building energy consumption and improve the comfort of tenants. This assistance involves identifying financing and incentive options, and provides guidance for participation in these programs. And it has been a success: to date, it has already assisted approximately 5,000 building owners to complete cost-saving energy efficiency projects.
Here, a statewide assistance program could use the NYC Accelerator model. The State would provide funding and a framework for a technical assistance program that connects communities with clean energy projects and other initiatives that further the objectives of the CLCPA. In addition to connecting communities with clean energy, such technical assistance could assist with safe deployment and permitting of critical technologies, such as battery storage. Every community is unique – rural New York differs from upstate cities which differ from New York City. Accordingly, the underlying assistance program would have to be designed to fit local needs in consultation with local governments and representatives. A technical assistance program designed specifically for the communities it assists can accelerate clean energy adoption and increase local community buy-in.

A statewide model for technical assistance could also advance two other statewide climate priorities:

1. **Climate risk mitigation**: In addition to energy retrofits, private property owners statewide must also invest in improvements that protect their assets from future extreme weather events. Private property owners face a complex web of decisions as they contemplate the best way to sequence these projects, both technically and financially. Panel Strategy 6 represents an opportunity to design technical assistance programs and incentives to help property owners prioritize improvements that optimize both energy efficiency and risk mitigation measures to meet the needs of their building and anticipate local conditions.

2. **Job training**: Investments in energy efficiency present opportunities to integrate carefully designed local economic development programs that reduce socio-economic disparities in locations across the state. For example, the NYC CoolRoofs program is a partnership between several city agencies to reduce energy consumption in buildings and counter the urban heat island effect by installing energy-saving reflective rooftops. The New York City Office of Workforce Development offers a 10-week training program to create a pipeline of staff that can deploy this cost-effective retrofit at scale.

**Conclusion**

Thank you for this opportunity to provide positive, meaningful input as this Advisory Panel develops its recommendations.

Respectfully submitted,

Susanne DesRoches
Deputy Director, Infrastructure + Energy

---

11 See [https://www1.nyc.gov/nycbusiness/article/nyc-coolroofs](https://www1.nyc.gov/nycbusiness/article/nyc-coolroofs)