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**Testimony of Jerilyn Perine**

**Executive Director of the Citizens Housing and Planning Council**

**To the New York City Council**

**Environmental Protection Committee**

**Council Member James F. Gennaro, Chair**

**June 26, 2009 10:00 AM; Council Chambers City Hall**

Proposed Int 476-A - By Council Members Mark-Viverito, Recchia Jr., Avella, Brewer, Fidler, Gentile, James, Liu, Martinez, Nelson, Seabrook, Weprin, White Jr., Garodnick, Lappin and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to benchmarking the energy and water efficiency of buildings. Proposed Int 564-A - By Council Members Garodnick, Brewer, Fidler, Gonzalez, James, Koppell, Martinez, Sanders Jr., Seabrook, Weprin, White Jr., Gerson, Lappin. and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to establishing a New York city energy code. Int 967 - By Council Members Gennaro, Brewer, Comrie, Dickens, Fidler, Garodnick, Gioia, James, Koppell, Lappin, Martinez, Mitchell, Palma, Recchia Jr., Reyna, Rivera, Stewart Weprin, Nelson, Liu and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to requiring energy audits, retro-commissioning and retrofits of building systems. Int 973 - By Council Members Recchia, Jr., Comrie, Dickens, Fidler, Garodnick, Gioia, James, Lappin, Martinez, Mitchell, Nelson, Reyna, Rivera, Stewart, Liu and Yassky - A Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems in existing buildings greater than 50,000 gross square feet.

My name is Jerilyn Perine and I am the Executive Director of the Citizens Housing and Planning Council. Thank you for the opportunity to testify. We strongly support the goals of the legislative initiative that you are considering; however we are concerned about many of the details of their implementation.

1. Most striking is that the proposed legislation does not address *existing* regulatory impediments to green development and technology. For example, photovoltaic panels are not considered a permitted height obstruction in current zoning regulations. Nor are heating systems when placed on the roof. This discourages their inclusion in building design. There are many such examples, which we believe, could facilitate green technologies, with little or no additional cost to the City. We have attached a list of such items along with our comments.
2. The legislation does not address buildings less than 50,000 sq. ft., which we estimate to be 68% of the City's housing units, leaving approximately 2.26 million units uncovered by the legislation. **Well established tools such as the J-51 tax exemption program and low interest rehabilitation loans should be adapted as much as possible to achieve the goals of transforming NYC's older housing stock.**

3. The proposed Energy Code will require the Department of Buildings to significantly expand their overview of building renovations. CHPC is concerned that adequate resources and training are provided to the DOB to ensure that their staff can adequately enforce the new regulations.
4. The rules should clearly specify achievable energy savings goals based on *similar* buildings with similar uses and operations in NYC and national standards should be carefully considered before applying them wholesale to NYC's building stock.
5. One bill requires the owner to engage an energy professional to perform an audit. The qualifications for these professionals should be clearly specified. And while larger owners will be able to find them, smaller owners may have a difficult time. The City should ensure that a sufficient number of qualified professionals are available in the marketplace. The projected cost savings may not be enough of an incentive to encourage building owners with low and moderate income tenants to comply with energy upgrades. Nor is it clear as to what happens if the projections do not match up with reality in the future.
6. The Benchmarking bill requires building owners to annually collect and report energy and water usage however the bill offers a practical way to collect the data directly from the utility companies. Surely whatever privacy and bureaucratic issues the utility companies raise could be overcome in order to ensure the accurate and timely collection of this important information

We have submitted more detailed comments on this legislation which we hope provides more detail. Thank you for your consideration and I would be happy to answer any questions you may have.

The Citizens Housing and Planning Council, founded in 1937 is a not for profit policy and research organization dedicated to improving housing and neighborhood conditions through the cooperative efforts of the public and private sector.