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December 11, 2009

Hon. James F. Gennaro, Chair
Environmental Protection Committee
New York City Council
250 Broadway, 17th Floor
New York, NY 10007

Dear Councilmember Gennaro:

Citizens Housing & Planning Council (CHPC) strongly supports the goals of the city's Greener, Greater Buildings Plan, and we applaud the recent legislative success of the New York City Council and Department of Long-term Planning and Sustainability.

While we are encouraged by the passing of these Local Laws, we would like to set out our continued concerns so that they may be taken into account when implementing this legislation and developing future green initiatives:

1. CHPC recommends that further attention be paid to creating additional financial incentives for building owners and real estate practitioners to comply with energy upgrades. This is especially true for owners of medium-sized residential buildings with low and moderate-income tenants. The projected cost-savings may not be enough of an incentive to encourage required efficiency measures. Although the legislation phases in when building owners must comply, it is not entirely clear what resources will actually be in place. Nor is it clear what happens if projections do not match up with reality in the future. Since NYSERDA has put their multifamily program on hold, it is even more imperative to work out an appropriate system of financial incentives.

New York City has well-established tools such as the J51 tax exemption program and low interest rehab loans. We recommend that these be examined to see how they could play a role in incentivizing energy efficiency to ensure the necessary transformation of our housing stock.

2. CHPC also recommends improved consultation regarding how these new regulations will apply to the affordable housing stock. We know the Mayor and City Council share this concern, and we ask that CHPC, LISC, Enterprise, and other representatives of affordable housing work with HPD to equip the affordable housing community with the financial and technical tools to meet energy efficiency compliance.
3. CHPC is also concerned that appropriate resources and training are provided to the DOB to make sure that their staff can adequately expand their responsibilities to enforce and implement the new Energy Code. Although there have been operational improvements in the DOB, this legislation will impose new and more complex technical requirements, expand the universe of buildings undergoing rehabilitation that will be subject to the new regulations, and increase administrative tasks required of the Department and the real estate community. This is

at a time when the DOB is faced with interpreting the new Building Code regulations and making the many construction sites around the city safer.

4. The benchmarking portion of the Local Laws has great potential to create transparency, enhance understanding about the benefits of energy efficiency, and develop incentives for greening our housing stock. These benefits will only be actualized if there is easy access to the data produced. We recommend that the City pay close attention to analyzing and publishing this important data in an effective, clear, and useful way.
5. Finally, in this economic climate, we urge an effort is made to reform existing regulations to accommodate the goals of a sustainable city. There are many regulatory revisions that could make it easier to fulfill green construction and retrofitting at little or no additional cost to the City. Our regulatory framework was developed before environmental realities were understood. If we simply add legislative layers on top of the existing regulations, development will become more burdensome and regulations often contradict each other. We encourage a full review of the regulatory framework with the goal of a sustainable city at the core.

CHPC is currently involved in a review of the regulations affecting housing standards (Multiple Dwelling Law, Building Code, Housing Maintenance Code, etc.), as well as a review of the Zoning Resolution to examine how our 21st century goals can be fully realized. We look forward to discussing these initiatives with you, and we offer our subcommittee's assistance, input, and expertise in present and future issues that may arise with the city's green legislation.

Yours sincerely,



Jerilyn Perine
Executive Director

CHPC's Green Building Subcommittee

Chair - William Stein, Dattner Architects
Chris Benedict, Chris Benedict, R.A
Matthew Blesso, Blesso Properties
Steven Bluestone, The Bluestone Organization
Dominic Cardinale, Rodkin Cardinale Consulting
Engineers PC
Martin Dunn, Dunn Development Corp.

Paul Freitag, Jonathan Rose Companies
Mark Ginsberg, Curtis + Ginsberg Architects
Andrea Kretchmer, The Kretchmer Companies
Mark Levine, Herrick, Feinstein, LLP
Ryan Merkin, Steven Winter Associates Inc.
Andrew Padian, Community Preservation Corp.
Mike Schmelzer, Tryax Realty
Michael Sturmer, Lemle & Wolff

Cc: Rohit Aggarwala, Director, NYC Department of Long-term Planning and Sustainability
Christine Quinn, Speaker, New York City Council
Rafael Cestero, Commissioner, NYC Department of Housing Preservation and Development
Robert Lieber, Deputy Mayor for Economic Development