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November 17, 2021

TESTIMONY TO THE NEW YORK CITY COUNCIL REGARDING INTRO. 2317 – THE “GAS BAN” BILL

Good afternoon Chair Gennaro, bill sponsor Council Member Ampry-Samuels and members of the Committee on Environmental Protection. My name is Charlie Samboy, the Director of Government Affairs at the New York Building Congress, and I appear before you today regarding Intro. 2317, a proposed local law to ban the combustion of certain fossil fuels within buildings.

The New York Building Congress represents design and construction firms as well as development and property managers in New York City – together, we are an association of over 550 firms who employ 250,000 skilled professionals and tradespeople from across the spectrum of the building industry, many of whom design and build the projects that create a more sustainable city.

While we support this bill’s intent to reduce New York City’s greenhouse gas emissions as well as enhance the air quality in individual homes, we believe this current version will neither accomplish its goal of fighting climate change nor spur economic development. As drafted, this proposal would have negative consequences for the New York City building industry and has the potential to increase emissions in communities across the state. As the industry attempts to regain momentum following the economic fallout of the COVID-19 pandemic, it cannot afford initiatives like Intro. 2317 to move forward as currently proposed.

First, Intro. 2317 seems to ignore the status and complexity of bringing the entire power grid onto an energy source that is much cleaner than fossil fuels. Much of the grid in New York City presently relies on the burning of fossil fuels to power our homes and offices, thus, requiring that new or modified buildings convert to electric for heating and cooking simply shifts the fossil fuel burden fully onto an already exhausted grid. Powerplants across the state, which already burn fossil fuel to produce power, will have to keep up with the new demand and thus produce greater amounts of greenhouse gas emissions. Additionally, the city and state are constrained from having a much cleaner grid due to the lack of green energy generation and transmission. The City and State are making tremendous investments in locally grown energy such as offshore wind and large-scale solar as well as transmitting and distributing clean power from Canada. This transformation of our energy grid will not, however, move at the speed this legislation requires. Just this summer, Governor Hochul announced the Champlain Hudson Power Express (CHPE) and Clean Path NY (CPNY) projects that will deliver 18 million megawatt-hours of renewable energy every year, sufficient to power more than 2.5 million homes. These projects are expected to come online beginning by 2025 and 2027, respectively, pending approval of all permits. In September, Mayor de Blasio and the New York City Economic Development Corporation released their [Offshore Wind NYC Plan](#) which anticipates bringing 12GW of offshore wind by 2035, with a site(s) in Sunset Park not being identified until “the mid-2020s”. We ask that the Council continue to support efforts by the Governor and Mayors Offices to electrify our built environment and move towards a cleaner future within existing laws and programs rather than hastily attempt to electrify our buildings within two years of enactment of this legislation, which will cause irreputable harm to the building industry locally and our neighbors in upstate New York.

Second, the bill may have unintended consequences given the broad application to new construction and existing buildings that may undergo some kind of alteration. Without an appropriate phase-in period for different building types and sizes, we risk taxing the existing energy grid and not providing time for readily available technologies and/or cost-effective methods to be developed for compliance. We believe a sound approach could be to mandate that new single- and multiple-family homes of a certain size comply first, followed by buildings that are much larger and more complex. From a practical perspective, it allows us to scale these advancements over time – while the grid is greened – and to prevent a shock to the existing electrical transmission and distribution infrastructure.

As for renovations, the bill is devoid of any specific language pertaining to the applicability of the prohibition of gas on buildings, or spaces within buildings, that are renovated – simply stating that a building permit is the trigger for these provisions. Read together with the sections of New York City’s administrative code, one can conclude that prohibition on gas would include *all* buildings where *any* work occurred that required a permit from Department of Buildings. This broad application could lead to even the most minor of alterations or work triggering the provision of the bill. We would like to see language in the bill specific to major renovations, substantial improvements and/or alterations to better target how the provisions of the bill are triggered and understand the scale of changes that may need to occur within the built environment and broader power infrastructure according to a proposed timeline.

In closing, progressing a greener city and state is good for both our planet and economy. Green construction jobs are here today in substantial numbers and will be a great source of employment for many New Yorkers, including those increasingly affected by climate change. A recent report by State Comptroller Tom DiNapoli found that New York State had the highest construction job loss of any state nationwide, with a loss of nearly 24,000 jobs in New York City alone. It is our hope that we can work together with the City Council and all levels of government to pave the way toward a greener and more resilient future. Our city and planet will be better off for it; it will be a lifeline to New York City’s rebound from the pandemic and be a main contributor of jobs and revenue for our economy.

Thank you for your time and consideration.