



NEW YORK  
BUILDING  
CONGRESS

2023

# POLICY AGENDA

A BREAKDOWN OF  
TOP PRIORITIES AND  
RECOMMENDATIONS  
FOR THE BUILDING  
INDUSTRY



# MESSAGE FROM THE CHAIR AND PRESIDENT & CEO

It's an understatement to tell you the last two years have presented unique challenges, both to our region and our community. Just like every trial we've faced in the last 100 years, however, the New York building industry saw it through and is coming back stronger.

Still, we are far from out of the woods. New York is entering the third year of a global pandemic that's claimed the lives of tens of thousands of our neighbors, challenged the way people live and work and tested our industry's future. There are many questions left to answer, from how New Yorkers will get to work to what types of offices we need to build them. Just as robust is the list of identified issues we must address, from making our industry more diverse and inclusive to building more resilient infrastructure.

This moment of profound change is daunting. For many the easy solution might be to pack up, call it a day and let someone else solve these issues. The New York Building Congress, however, is doubling down on this great city. As we look toward the next 100 years, we will be driven by the lessons of the last century of successfully building New York out of times of crisis.

With new gubernatorial and mayoral administrations signaling they will work together with our industry to spur economic development, the Building Congress is ready to get the job done. Be it new transformational projects, innovative policies to speed up procurement or constructive legislation to improve safety, there are clear actions all levels of government can take to unlock the next great generation of hospitals, schools, offices, housing, roads, bridges, subways and parks. The 2022 Policy Agenda shares our priorities for how Washington, Albany and City Hall can embolden our industry, create good jobs and make New York stronger.

We will continue to advocate on behalf of the members of the New York Building Congress, who have done inspiring work to realize the potential of this state and city and what it can do to improve the lives of people. Thank you, as always, for the perspective you have brought to our organization.

Handwritten signature of Ralph J. Esposito in white ink.

Ralph J. Esposito

*Chair, New York Building Congress  
President, Northeast and Mid-Atlantic Region  
SuffolkConstruction*

Handwritten signature of Carlo A. Scissura, Esq. in white ink.

Carlo A. Scissura, Esq.

*President and CEO  
New York Building Congress*

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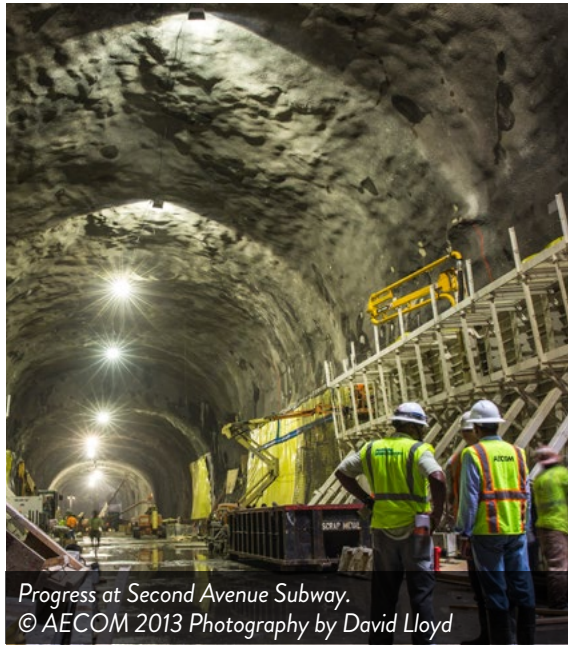
## IMPLEMENT THE NATIONAL INFRASTRUCTURE PLAN

With the passage of the Infrastructure Investment & Jobs Act, the federal government will deliver over \$1 trillion in new investments to modernize our nation’s infrastructure, strengthen our global competitiveness and employ millions of workers over the next five years. The United States has a rich history of delivering robust levels of federal funding during times of economic trouble toward projects that are vital to our economy and lay the foundation for a prosperous nation in the decades that follow. The New York Building Congress commends President Biden and the United States Congress for moving these national investments forward and supporting New York State’s infrastructure priorities.

Through federal formula funding alone, New York State and local agencies are expected to receive over \$20 billion in funding. This federal investment is expected to improve the lives of millions of New Yorkers, helping to repair and rebuild our roads and bridges, improve the commutes of workers and visitors, help connect families to reliable high-speed internet, provide access to clean drinking water and protect communities against the impacts of climate change.



Rendering of the Portal North Bridge Project.  
Photo: Amtrak



Progress at Second Avenue Subway.  
© AECOM 2013 Photography by David Lloyd

The Building Congress will advocate for every dollar in formula funding for which New York is eligible and other discretionary funds to improve our physical infrastructure.

### Our federal infrastructure investment priorities will include:

- **The Gateway Program** receiving adequate levels of funding and all necessary approvals so that the most significant project in the country may progress toward completion. In particular, we call on the Federal Transit Administration to update the project rating and for funds to be expeditiously appropriated.
- **The Metropolitan Transportation Authority (MTA)** receiving direct funds for the expansion of the Second Avenue Subway into East Harlem and to address critical maintenance backlogs.
- **The New York City Housing Authority (NYCHA)** receiving billions of dollars in aid for repairing outdated facilities and enhancing the quality of life and safety for thousands of families.
- **The Port Authority of New York and New Jersey** obtaining funding for airport redevelopment projects at LaGuardia, John F. Kennedy and Newark Liberty International, and revitalization of other bridges and tunnels in their portfolio.



## ADVANCE NEW YORK STATE'S INFRASTRUCTURE AGENDA

Under the leadership of Governor Kathy Hochul, New York State is advancing major infrastructure projects including bridges, airports, transportation hubs, water, sewage and climate resiliency projects. The Fiscal Year 2022 enacted budget includes a \$311 billion infrastructure plan through Fiscal Year 2024, one of the largest in the nation and the most expansive in the State's history. Additionally, billions of dollars in federal funding will flow to New York State and its municipalities as a result of the Infrastructure Investment & Jobs Act.

The Building Congress will continue to monitor actions taken toward the modernization of existing facilities, construction starts advancing on schedule and active projects being completed in a timely manner. The most essential infrastructure that affects us on day-to-day basis is managed locally. Progressing major infrastructure projects is the best way to fuel the economic recovery of the state and city and combat the economic turmoil of the last two years.



Cars in Traffic on the BQE. Photo: Sujatha Vempaty

### Priorities for the Building Congress include:

- Ensuring that the State Legislature fully funds New York's \$1.75 billion commitment for the construction of the Hudson River tunnels as part of the Gateway Program;
- Reconstruction of Penn Station and revitalizing the surrounding community;
- Expansion of the Long Island and Metro-North Rail Roads, connecting hundreds of thousands of Long Island and Bronx commuters to Grand Central and Penn Station, respectively;
- Reimagination of the Brooklyn-Queens Expressway and replacement of the Outerbridge Crossing;
- Successful review and implementation the proposed congestion pricing plan;
- Progress the environmental review and feasibility analysis for the Interborough Express, a new rail connection that would improve transit and job access to underserved communities in Brooklyn and Queens;
- Advancing clean energy projects across the state.

### AUTHORIZE ALTERNATIVE PROJECT DELIVERY METHODS

Following successful advocacy efforts, State law now allows the City of New York to use the design-build process on a variety of public projects through 2022. The Building Congress will seek to renew this enabling legislation and enhance it to create greater efficiencies in the procurement process, reduce costs for government entities contracting this work, improve quality and safety and maximize business opportunities for the industry. Beyond design-build, the Building Congress seeks to expand the use of public-private partnerships in order to modernize New York's public procurement construction laws. This would provide public owners with a wider variety of procurement and delivery modes and for New Yorkers to benefit substantially from projects that are delivered quicker.



## LIABILITY REFORM

As a matter of public safety, State legislation must be enacted that protects members of the building industry from liability when they respond to a declared emergency and collaborate with government outside of normal procurement, as it did during September 11th, Superstorm Sandy and the COVID-19 pandemic. In 2021, the Building Congress worked with the City Council to introduce a resolution calling on the State Legislature to pass, and Governor to sign the Emergency Responder Act. In 2022, we will simultaneously push for passage of the Council resolution and State legislation. Without such protection, firms may be rendered unable to provide timely and adequate emergency support services to aid the public sector in saving lives, safeguarding critical infrastructure and protecting private property.

Additionally, New York State law governing the statute of limitations for injury claims extend long after the completion of a project, imposing significant exposure for design professionals. The effect on the design industry is extended liability for injuries on completed work for which they were not hired to supervise the construction or involved in long-term maintenance, forcing them to maintain insurance for extended periods of time. The Building Congress will begin to engage the State Legislature to seek relief from these unintended consequences and establish an appropriate limit on liability, while affording adequate protection to the public.

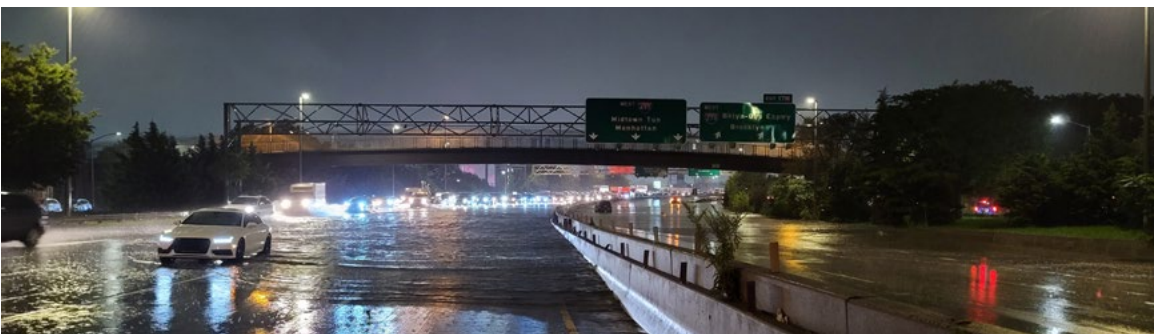


## RESILIENCY

The impacts of climate change are here – presenting economic, public health, environmental and racial injustice challenges that New York must confront. In New York City alone, the heavy rainfall during Hurricane Henri and the remnants of Hurricane Ida tragically took the lives of 11 New Yorkers and flooded homes, local streets, regional highways and subways – causing billions in damages and business disruption. Left unaddressed, climate change will continue to produce disruptive events, causing significant damage to critical infrastructure and property and claim the lives of our neighbors.

To prepare for the challenges ahead, the state and city must progress projects that provide protection for vulnerable communities, enhance quality of life, spur innovation and create green jobs. The Building Congress will be calling for a focused attention on environmental justice communities, communities of color and those that have historically been affected by inequities in funding and resources.

In 2022, our priorities will include the Lower Manhattan and East Side Coastal Resiliency projects; progressing the five-borough resiliency plan that was recently enacted by the City Council; and advancing the \$4 billion Clean Water, Clean Air and Green Jobs Environmental Bond Act and other similar initiatives.



Long Island Expressway in NYC shut down due to flash flooding from Hurricane Ida's landfall. Photo: Tommy Gao





One Vanderbilt under construction. Compared to similarly sized buildings, it has one of the lowest carbon footprints.  
Photo: Kohn Pedersen Fox Associates



## CLEAN POWER & SUSTAINABLE DESIGN

New York City relies heavily on power from fossil fuels and its buildings emit 70 percent of citywide greenhouse gas (GHG) emissions that contribute to the climate change phenomenon we now experience more regularly. As such, New York is leading the nation in the implementation of policies seeking to reduce greenhouse gas emissions, with the State and City committing to carbon neutrality in the coming decades – through greening the sources of power and reducing GHGs at the building level.

With the enactment of the Climate Leadership and Community Protection Act (CLCPA), the state must produce 70 percent of electricity from renewable resources by 2030 and 100 percent by 2040. Local Law 97, part of the Climate Mobilization Act (CMA), institutes a carbon cap on buildings in New York City that are 25,000 square feet or larger beginning in 2024. By addressing both the source of New York’s power and how buildings operate, we can respond to the crisis locally and lead globally in finding solutions.

In support of these goals, Governor Hochul announced two large renewable energy and transmission projects that would deliver nearly 18 million megawatt-hours of energy per year, or more than a third of New York City’s annual electric consumption, invest \$15 billion dollars to benefit the entire state and create nearly 10,000 jobs by 2027. Additionally, Mayor Eric Adams’ administration inherits a \$191 million *Offshore Wind Vision Plan* and will develop its own policies to address clean energy production and limit building emissions in the coming year.

The way in which our built environment is powered and operated presents numerous challenges as well as great opportunities. As such, the Building Congress will closely monitor New York State and City’s progress on approving these projects and meeting the CLCPA and CMA targets, and work to ensure that an effective plan to reduce GHG emissions is implemented.



## HEALTHCARE & LIFE SCIENCES

New York was the global epicenter of the COVID-19 pandemic, with more than 35,000 residents sadly succumbing to the virus and hospitals reaching critical shortages of essential staff, supplies and equipment within the first month. In response, the public, life sciences and manufacturing sectors collaborated to quickly develop testing capacity and designed a low-cost bridge ventilator that was easy to manufacture.

While the height of the pandemic seems so long ago and worst-case scenarios were avoided, the recent omicron wave is once again testing the resilience of New York's healthcare system against this deadly virus. This industry is a critical source of health and wellness for all New Yorkers, comprised of thousands of ambulatory healthcare centers, hospitals and residential care facilities and a rapidly expanding life sciences and medical research sector that provides care for millions of New Yorkers and international patients.

Healthcare is also one of New York City's premier economic drivers, with the private side alone employing over 550,000 workers and providing over \$30 billion in wages.

As we continue to grapple with this devastating pandemic, we must both invest in the existing healthcare infrastructure that supported us through this challenging period and make significant contributions to the life science industries, so that we may increase research on communicable diseases to develop the products and services that defeat the next virus.



NY Genome Center. Photo: Shane Young



## TECHNOLOGY

To build a 21st Century state and city, we must also embrace the use of new technologies, such as roadway monitoring systems that protect critical infrastructure and predict problems before they arise; drones, building management systems and modular construction that help increase productivity and efficiency; and the expansion of broadband internet and 5G wireless services. We must explore all options to increase safety, reduce construction costs and speed up the delivery of projects. Following the release of a drone report by the New York City Department of Buildings, the Building Congress will be advocating for increased collaboration with other levels of government and progressing a drone pilot program in 2022.

Additionally, the pandemic highlighted how critical access to reliable and rapid internet is for government, businesses, healthcare and students. The digital divide was exacerbated by the pandemic and ensuring that New Yorkers in every corner of the state get connected will require coordination by the City, State and federal governments. The Building Congress looks forward to working with all levels of government to build broadband infrastructure across the state and help millions of families gain access to this critical tool for learning and combating income inequality.





## ADVANCE A COMPREHENSIVE AFFORDABLE HOUSING PLAN

The newest Census data shows that New York State has grown to 20.2 million people – an increase of nearly 823,000 – with the majority of that growth attributed to New York City. The number of housing units, however, has not kept up with population growth, with only 206,000 new units created in the city from 2010 to 2020, according to the Department of City Planning.

New York State and City must renew their respective plans to address housing supply and affordability challenges in light of the widening gap between population growth and housing units.

Further, the 421a tax abatement and Brownfield Cleanup Program that have incentivized the creation of tens of thousands of units of housing are set to expire in June and December 2022, respectively, and legislators should make their revision and renewal a top priority during the upcoming session;

### **The Building Congress will advocate for policies and programs that:**

- Target rezoning initiatives in neighborhoods best equipped to accommodate growth;
- Finance and develop a robust pipeline of new housing for all income levels, creating deeper affordability and greater numbers of permanently affordable homes;
- Facilitate the conversion of underutilized commercial spaces to residential uses;
- Expand home ownership opportunities;
- Help families remain in their homes; and
- Provide people experiencing homelessness with a stable and quality home.



## PROMOTE A BUSINESS-FRIENDLY NEW YORK

Governor Hochul and Mayor Adams have vowed to create a fairer economy with equitable investments in the most at-risk communities. New York City Council Speaker Adrienne Adams has also prioritized a COVID recovery built around quality-of-life issues and opportunity for all.

These new administrations are inheriting an economy that is still reeling from the worst effects of the COVID-19 pandemic. Their priority will be to both combat new variants and emerge stronger through new policies, programs and robust government spending. In this moment, we have a tremendous opportunity to shape a New York that is stronger, resilient and more equitable. From buildings to healthcare to infrastructure to zoning to procurement, our membership has the expertise to inform policies as they are developed, and we will ensure that our partnership with government grows and is strengthened.

The Building Congress will work tirelessly with the state and city leaders to ensure that the contributions of the industry are fully appreciated and that our competence is used to develop forward-thinking and innovative practices that benefit all New Yorkers and expand economic opportunities, in particular for MWBEs.



*Vladeck and LaGuardia Houses looking west from Corlears Hook toward Manhattan.*





## ENCOURAGE ROBUST CAPITAL SPENDING BY THE CITY OF NEW YORK

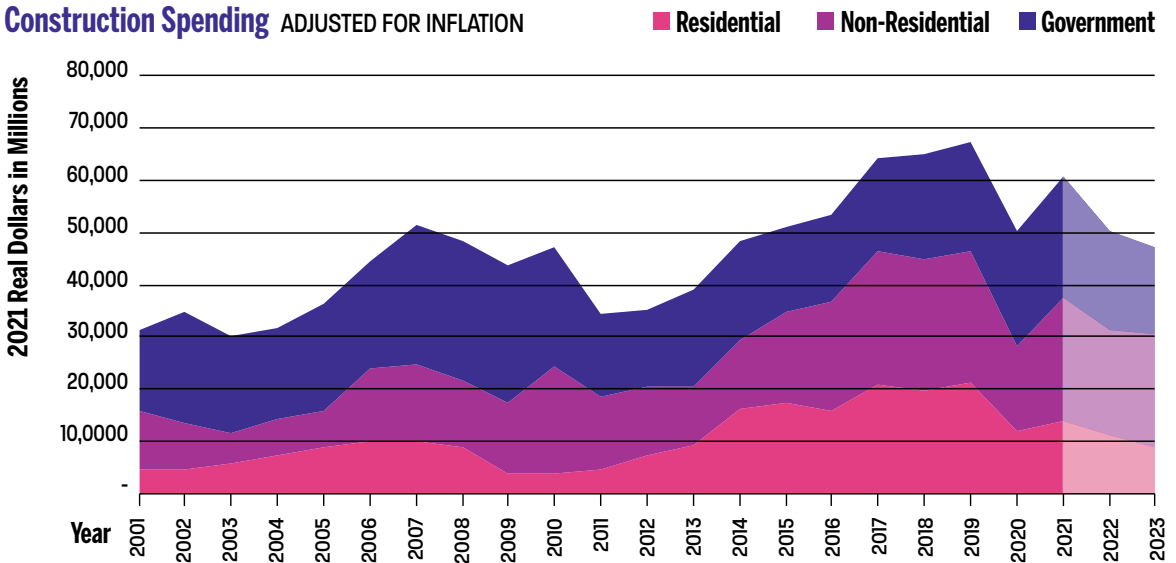
The New York Building Congress first issued its *Construction Outlook* report in 2000, a year before the devastation of 9/11 and nearly a decade before several downturns in the economy, such as the Great Recession and Superstorm Sandy. Much has changed since the inaugural *Outlook* issue and the 2021-2023 forecast presented additional spending figures adjusted for inflation. With inflation taken into account, government spending in 2021 dollars was lower than during the height of the Great Recession.

With Washington and Albany both investing billions of dollars for public transit, roads and bridges, water and sewer systems, high-speed internet and other infrastructure that enhances the quality of life of all residents, New York City must continue to increase its capital expenditures to significantly surpass pre-COVID levels and fuel the recovery locally.

With new leadership in City Hall, the Building Congress is excited to work with Mayor Adams, Speaker Adams and the City Council to make significant investments in infrastructure across the five boroughs, create thousands of jobs that will spur economic growth and confront the impacts of the COVID-19 pandemic. To ensure that this spending engages every sector of our industry, the Building Congress will be calling on the City to significantly improve its capacity-building initiatives and develop procurement policies that ensure meaningful inclusion of MWBE firms in the City’s capital program.

To coordinate this robust spending, the Building Congress will continue to advocate for the City to create the position of Deputy Mayor of Construction within the Office of the Mayor to oversee all public capital construction and serve as the single point of contact for the multiple agencies involved in the development process.

### Construction Spending ADJUSTED FOR INFLATION



Government spending, when adjusted for inflation, is lower now than during the height of the Great Recession. Chart from the 2021-2023 *New York City Construction Outlook* report.





## INVEST IN WORKFORCE DEVELOPMENT & INDUSTRY FOCUSED EDUCATION

The building industry represents one of New York City’s most vibrant and diverse sectors, employing over a quarter-million people and providing a living-wage for a majority of workers. Despite this, the economic crises created as a result of the COVID-19 pandemic has disproportionately impacted communities of color while women continue to be underrepresented in the industry.

Additionally, for the better half of the last two decades New York students from different zip codes did not receive equal funding, leaving many educators and students without the resources necessary for a 21st century education.

We applaud New York lawmakers, led by Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie, who reached an agreement to equitably fund public schools in the 2021-22 New York State budget, which includes a phase-in plan to fully fund Foundation Aid over the next three years.

The Building Congress and Building Foundation will work to expand access to programs that train New Yorkers for in-demand, high-paying jobs

and calling for more funding for industry-focused education. We will also collaborate with the industry to increase funding for pre-apprenticeship and apprenticeship programs, as well as work with our government officials to advance re-entry and re-integration programs that increase post-release employment and reduce recidivism, further providing individuals with the skills to lead a successful life when reintegrating to their communities.

These combined efforts will increase funding and access to educate and train the next generation of design and construction professionals. It will also help close the racial wealth gap, driving the economic recovery of neighborhoods and families across the state.

The Building Congress will work to ensure that programs and funding benefit underserved communities and the industry as a whole, including examining practices and policies within the industry that will promote diversity, equity and inclusion efforts.



## ADVANCE SUCCESSFUL POLICY IMPLEMENTATION

The Building Congress is focused on the entire life cycle of a policy – from development to passage to implementation. After legislation is passed or a policy is introduced, it is equally critical that they be implemented appropriately and the rulemaking process takes into account a host of challenges that cannot be addressed in legislative language. By providing opportunities for input, we can avoid unnecessarily burdensome regulations that cause business disruptions or costly fines that impact the industry. As such, the Building Congress will monitor the implementation of several major policies passed last year, including the Gowanus and SoHo/NoHo neighborhood plans, a host of new site safety provisions and revisions to New York City Building, Fuel Gas, Mechanical and Plumbing Codes, among others.



Union members undergo robust training to ensure job site safety and quality, consistent work. Courtesy of BCTC



NEW YORK  
BUILDING  
CONGRESS

**100 YEARS**

**1040 AVENUE OF THE AMERICAS  
21<sup>ST</sup> FLOOR  
NEW YORK, NY 10018**

The New York Building Congress, a broad-based membership association celebrating its 100th year, is committed to promoting the growth and success of the construction industry in New York City and its environs.

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