



## **MEMORANDUM IN OPPOSITION**

### **Intro. 115**

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. Int. 115 would increase the minimum building temperatures for residential buildings. Not only would this bill increase the fuel costs, this proposal would severely hamper buildings owners attempts to comply with and is in direct contradiction to the premise of Local law 97, New York City's Climate Mobilization Act.

Local Law 97 of 2019 limits greenhouse gas emissions for buildings over 25,000 square feet. Buildings are required to hit emissions reduction targets of 40 percent by 2030 and 80 percent by 2050, based on 2005 emission levels, with the caps beginning in 2024. Success is tracked each year as buildings must conduct annual benchmarking studies to assess energy usage and report and post results. Once caps come into play, if a building exceeds its target, then penalties accrue. The aim of the law is to reduce energy consumption and the failure to do so comes with stiff financial penalties. Yet Int. 155 would mandate increased energy usage. Int. 115 would prevent most buildings subject to LL 97 from achieving the reduction goals set out in the law. A corresponding amendment to LL 97 is necessary if Int. 115 is to be enacted.

Int. 115 would be a huge step backwards and hamstring owners in making progress towards these targets. This bill requires that the temperature of a building be raised significantly, from 68 to 70 degrees during the day when the outdoor temperature falls below 55 and at all times overnight during the heating season when the temperature would have to be 66 degrees, an increase from the current 62 degrees. It goes without saying that this change would greatly increase both emissions and fuel consumption in every residential building in New York City.

To provide some perspective, other cities in the north, including Boston, Philadelphia and Chicago, all rely on a 68-degree daytime standard. In addition, the federal government recommends setting thermostats to 68 degrees during the day and lower at night as a way to reduce carbon footprint. According to the US Department of Energy (<https://www.energy.gov/energysaver/programmable-thermostats>) it is recommended to set programmable thermostats at 68 degrees during the daytime, and lower at night. One rational for this 68-degree suggestion is because during winter months, setting a thermostat to a lower but still comfortable temperature means that the premises will lose heat more slowly (and therefore waste far less energy) than if the temperature is set higher, as setting to 68 degrees will help a home retain heat longer and reduce the amount of energy required to keep the home comfortable.

Just a few years ago, the council increased the minimum nighttime temperatures from 55 to 62 degrees. The environmental impact statement (EIS) that was prepared by the city in 2017 found this change would result in at least an extra 133,625 metric tons of carbon dioxide every heating season. Any increase in temperature required by Int. 115 for 16 hours per day from October 1 through May 31st would clearly exceed the increase that happened as a result of the 2017 legislation. This impact needs to be documented. An EIS for Int. 115 is required along with a thorough review.

Even if the environmental impacts were to be ignored, the financial ones are significant as well. There appears to be a general consensus that raising temperature one degree adds 2-3 percent to fuel costs. Fuel is one of the most significant building expenses. And for older buildings - the bulk of the city's rent regulated housing stock - this would be all but certain to financially strain the owners of these buildings who will have trouble meeting these increased requirements particularly because the buildings are old and not as well insulated as are newer buildings. At a time when rent collections have been severely hampered over the past two years and with the limited rental increases authorized for the last decade that have not kept up with costs, operating a building has become an increasingly challenging proposition. Burdening owners with these added costs would cause distress to many owners, small and large alike.

For the above reasons RSA is opposed to Int. 115 and urges the council to table this proposal.